

HOUSE BUSINESS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2008 Legislative Session

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS

DOCKET NO. 07-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1005 and 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 121 through 124.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720
Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Electrical Inspection Tags

Docket No. 07-0101-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1005 and 54-1006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The requirements for Electrical Inspection Tags need to be changed to facilitate the use of a new software system which will allow customers to purchase permits via the Internet. The current references to multi-part forms are obsolete. All references to the Electrical Bureau need to be changed to reflect the Division of Building Safety and its current address. Also, options other than mail must be allowed for specified deliveries. The proposed rules change the requirements to allow for copies of forms to be used in lieu of specified pages of multi-part forms, delivery of permit copies through alternative means, and the transacting of business via the Internet.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes in the rule simply serve to facilitate the implementation of a new software system at DBS making the current system of processing electrical permit forms obsolete. The amendments will reduce the paperwork required of applicants for permits and increase the efficiency of DBS' delivery of customer services.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written

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**Docket No. 07-0101-0701
PENDING RULE**

comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. ELECTRICAL INSPECTION TAGS.

Electrical Inspection tags as authorized by Section 54-1005, Idaho Code, shall ~~be printed and made available by the Electrical Bureau. Each tag shall~~ bear a Serial Number ~~and shall be in five parts, to be designated No. 1, No. 2, No. 3, No. 4, and No. 5, for all electrical contractor inspection tags or shall be in four parts, to be designated No. 1, No. 2, No. 3, and No. 4, for all property owner inspection tags.~~ (1-14-87)(____)

012. ELECTRICAL CONTRACTORS' INSPECTION TAGS.

Electrical contractors' inspection tags shall be furnished by the ~~Electrical Bureau~~ Division of Building Safety to licensed electrical contractors upon request. The serial numbers of such tags shall be registered in the name of the electrical contractor to whom they are issued and they shall not be transferable. Electrical inspection tags issued to an electrical contractor shall be used only for electrical installations made by said electrical contractor and for which said electrical contractor assumes full responsibility. (7-1-97)(____)

01. Completion of Electrical Inspection Tag. For each electrical installation made by an electrical contractor and coming under the provisions of Section 54-1001, Idaho Code, said contractor or his authorized representative shall complete an electrical inspection tag application, issued by the ~~Electrical Bureau~~ Division of Building Safety, giving all pertinent information. The name of the electrical contractor shall be stated and the tag shall be signed by the electrical contractor or his authorized agent. ~~All five copies shall be legible.~~ (7-1-97)(____)

02. Posting of Electrical Inspection Tag. Before work is commenced, the electrical contractor or his authorized representative shall place ~~part No. 5~~ a copy of the electrical inspection tag at the location of the service switch and mail or deliver ~~part No. 4~~ a copy to the power supplier. ~~Parts No. 1 & No. 2~~ An application, together with the proper inspection fee as herein provided, shall be received by the ~~Electrical Bureau~~ Division of Building Safety within seven (7) calendar days from the time the electrical work is started. Where the total cost of installation is unknown, the minimum inspection fee as listed in IDAPA 07.01.02, "Rules Governing Fees For Electrical Inspections," Subsection 011.06 of the fee schedule shall accompany the tag and arrangements shall be made, in writing, with the ~~Electrical Bureau~~ Division of Building Safety or its authorized agent for payment of the balance of the fee. In all cases, payment of the total inspection fee shall be made prior to completion of the installation. (4-5-00)(____)

a. The ~~Electrical Bureau~~ Division of Building Safety may refuse to extend credit to

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DIVISION OF BUILDING SAFETY Rules Governing Electrical Inspection Tags

**Docket No. 07-0101-0701
PENDING RULE**

any electrical contractor for late payment or non-payment of any electrical inspection fees when due. In such instance, the contractor shall return all unused permits to the ~~Electrical Bureau~~ Division of Building Safety forthwith. No further permits will be issued to the contractor unless prepaid in cash or cash equivalent. Such contractor will not be allowed to purchase further permits unless and until all such unused permits have been returned to the ~~Electrical Bureau~~ Division of Building Safety, ~~Boise Office~~ Meridian, and all outstanding fees due have been paid in full.

(7-1-97)()

b. Failure to post ~~Part 5~~ a copy of the electrical inspection tag at the required location, or failure to submit ~~parts No. 1 and No. 2~~ an application of such tag and the proper inspection fee to the ~~Electrical Bureau~~ Division of Building Safety within seven (7) calendar days from the time the electrical installation work is commenced will result in the imposition of a double inspection fee.

(7-1-97)()

c. No electrical inspections shall be provided without the Division of Building Safety receiving an application for a tag along with the proper fee. ()

013. ELECTRICAL LICENSING EXEMPTION FOR ~~REAL PROPERTY~~ HOME OWNERS AND MAINTENANCE ELECTRICIANS; INSPECTION TAG REQUIREMENTS.

The licensing provisions of Title 54, Chapter 10, Idaho Code, and IDAPA 07.01.03, "Rules Governing Electrical Licensing," do not apply to the following pursuant to Section 54-1016, Idaho Code:

(7-1-98)

01. ~~Personal Property~~ Home Owner Installations. ~~Persons~~ Home owners making ~~electrical~~ installations on their own ~~property~~ primary residence, secondary residence, and buildings associated with these residences that are not used for commercial purposes.

(7-1-98)()

02. Maintenance Electricians. Maintenance electricians employed full-time only to service, maintain, assemble, or repair EXISTING electrical installations located on their employers' premises.

(2-23-94)

03. Procedures for Inspection Tags for Exempt ~~Property~~ Home Owners. Persons exempt from licensing pursuant to Subsection 013.01 of this rule must still secure all electrical inspection tags required by Section 54-1005, Idaho Code, before making any electrical installation. No electrical wiring or equipment may be concealed in any manner from access or sight until the work has been inspected and approved for cover by the electrical inspector. A final inspection shall be made upon the completion of all electrical work. The procedure for obtaining inspection tags follows:

(7-1-98)()

a. Any exempt person shall obtain an application form from the ~~Electrical Bureau~~ Division of Building Safety, either at its ~~Boise, Idaho,~~ Meridian main office or at a designated locations ~~in each county~~. The application form shall be properly completed, signed, and ~~mailed~~ forwarded to the ~~Electrical Bureau, P.O. Box 83720, Boise, Idaho 83720-0028~~ Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, with the proper inspection fee as provided for in these rules.

(7-1-98)()

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DIVISION OF BUILDING SAFETY Rules Governing Electrical Inspection Tags

**Docket No. 07-0101-0701
PENDING RULE**

b. Upon receipt of the properly completed application together with the proper inspection fee, the ~~Electrical Bureau~~ Division of Building Safety shall immediately issue an electrical inspection tag for the electrical installation designated in the application.

(2-23-94)()

c. ~~Parts No. 1 and 4~~ A copy of ~~the~~ an electrical inspection tag shall be retained by the ~~Electrical Bureau~~ Division of Building Safety. ~~Part No. 2~~ A copy of an electrical inspection tag shall be ~~mailed~~ forwarded to the applicant and shall be placed on the location of the service, and ~~Part No. 4~~ a copy of an electrical inspection tag shall be forwarded to the state electrical inspector who will make the electrical inspection as provided by Sections 54-1004 and 54-1005, Idaho Code.

(2-23-94)()

d. ~~Part No. 3~~ A copy of an electrical inspection tag shall be ~~mailed~~ forwarded or delivered to the power supplier by the Division of Building Safety.

(2-23-94)()

014. ELECTRICAL INSPECTION TAG REQUIREMENTS FOR INDUSTRIAL ACCOUNTS.

~~Property owners, c~~ Companies, firms, associations, or corporations who use employees to make electrical installations coming under the provisions of Section 54-1001, Idaho Code, on their own premises, must establish an Industrial Account with the ~~Electrical Bureau~~ Division of Building Safety and secure electrical inspection tags by making application to the ~~Electrical Bureau~~ Division of Building Safety. Employees performing non-maintenance electrical installations on an Industrial Account must be licensed electrical journeymen as provided by Section 54-1002(2). One (1) properly licensed employee shall be designated the supervising journeyman for the Industrial Account with the ~~Electrical Bureau~~ Division of Building Safety.

(7-1-98)()

01. Application Forms. The application form shall be properly completed, signed by the property owner or agent of the company, firm, association, or corporation, and ~~mailed~~ forwarded to the ~~Electrical Bureau, P.O. Box 83720, Boise, Idaho, 83720-0028~~ Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, with the proper inspection fee as hereinafter provided.

(7-1-98)()

02. Posting of Electrical Inspection Tag. Upon receipt of a properly completed application from a property owner, company, firm, association, or corporation for an electrical inspection tag, together with the proper inspection fee, the ~~Electrical Bureau~~ Division of Building Safety shall immediately issue an electrical inspection tag for the electrical installations designated in the application. ~~Parts No. 1 and No. 4~~ A copy of an electrical inspection tag shall be retained by the ~~Electrical Bureau~~ Division of Building Safety. ~~Part No. 2 of the 4-part~~ A copy of an electrical inspection tag shall be ~~mailed~~ forwarded to the applicant and shall be placed at the location of the service switch. ~~Part No. 3~~ A copy of an electrical inspection tag shall be ~~mailed~~ forwarded or delivered to the power supplier, and ~~Part No. 4~~ a copy shall be forwarded to the State Electrical Inspector who will make the electrical inspection as provided by Sections 54-1004 and 54-1005, Idaho Code.

(1-14-87)()

03. Power Supply Company. In the event the power supplier deems it necessary to energize an electrical installation without delay to preserve life or property, the power supply company may accept the application properly completed and signed, with the proper inspection fee attached, in lieu of the electrical inspection tag required by Section 54-1004, Idaho Code,

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DIVISION OF BUILDING SAFETY Rules Governing Electrical Inspection Tags

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PENDING RULE**

provided the power supply company or its authorized agent shall assume the responsibility of ~~mailing~~ forwarding the application and inspection fee to the ~~Electrical Bureau, P.O. Box 83720, Boise, Idaho, 83720-0028~~ Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The ~~Electrical Bureau~~ Division of Building Safety shall, upon request, furnish application forms and self-addressed, ~~postage-paid~~ envelopes to power supply companies operating within the state of Idaho. (7-1-98)(____)

015. TEMPORARIES.

Temporaries for construction may be energized by power suppliers upon receipt of a ~~contractor's~~ copy of an inspection tag, ~~an owner application as provided in Subsection 07.01.01.013.03, or a Temporary For Construction label~~ purchased from the ~~Electrical Bureau by a building contractor~~ Division of Building Safety. (2-23-94)(____)

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 129 through 132.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
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HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules of Electrical Licensing and Registration - General

Docket No. 07-0103-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Division of Building Safety and the electrical industry recognized a need to raise the minimum qualification level of qualifiers for electrical contracting licenses. This proposed rule is the result of extensive negotiations and hearings conducted over the past year as part of a negotiated rulemaking. The proposed rule changes require that the owner or qualified employee of an applicant for an electrical contractor license be licensed as a master electrician. Previously, only a journeyman electrician license was required. The proposed changes are effective July 1, 2008 and provide an exemption for existing contractors until a new supervising electrician is designated.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, page 85.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules of Electrical Licensing and Registration - General

Docket No. 07-0103-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

015. ELECTRICAL CONTRACTOR.

01. Qualifications for Electrical Contractor. (4-7-91)

a. On and after July 1, 2008, Except as hereinafter provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for an electrical contractor license upon the condition that such following requirements: ()

i. Applicant shall have at least one (1) full-time employee who holds a valid master electrician license ~~or journeyman electrician license~~ issued by the Electrical Bureau, ~~and has held a valid journeyman electrician's license for a period of not less than two (2) years, during which time he was actively employed as a journeyman electrician for a minimum of four thousand (4,000) hours.~~ Licensed electrical contractors who are current and active prior to July 1, 2008, shall not be required to have a master electrician as the supervising electrician until a new supervising electrician is designated. A master electrician license will be required for a new supervising electrician designated after July 1, 2008. ()

ii. The master electrician shall be designated the supervising electrician and shall be available during working hours to carry out the duties of supervising, as set forth herein and who will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. ()

iii. An individual electrical contractor may act as his own supervising ~~journeyman master~~ electrician upon the condition that he holds a valid master electrician license ~~or journeyman electrician license issued by the Electrical Bureau, and has held a valid journeyman electrician's license for a period of not less than two (2) years, during which time he was actively employed as a journeyman electrician for a minimum of four thousand (4,000) hours.~~ The supervising journeyman electrician shall be available during working hours to carry out the duties of supervising journeymen, as set forth herein. (4-5-00)()

iv. Applicant must pass a contractor examination administered by the Bureau or its designee. Any applicant which purports to be a non-individual (i.e., corporation, partnership, company, firm, or association), must designate in writing an individual to represent the partnership, company, etc., for examination purposes. Any such designee shall be a full-time supervisory employee and may not represent any other applicant for an electrical contractor's license. ()

v. Applicant shall provide proof of liability insurance to the Bureau in the amount of three hundred thousand dollars (\$300,000) from an insurance company licensed to do business in the state of Idaho. The liability insurance shall be in effect for the duration of the applicant's contractor licensing period. ()

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PENDING RULE**

vi. Applicant shall provide to the Bureau proof of Idaho's worker's compensation insurance unless specifically exempt from Idaho law. Bureau will provide written confirmation of exemption status. ()

b. ~~Those duties include assuring that all electrical work substantially complies with the National Electrical Code and other electrical installation laws and rules of the state, and that proper electrical safety procedures are followed; assuring that all electrical labels, permits, and licenses required to perform electrical work are used; assuring compliance with correction notices issued by the Bureau; and a~~Any person designated under Subsection 015.01.a., and the contractor he represents, shall each notify the Bureau in writing if the supervising ~~journeyman~~ master's working relationship with the contractor has been terminated. Each notice must be filed with the Bureau within ten (10) days of the date of termination. If the supervising ~~journeyman~~ master's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another supervising ~~journeyman~~ master is qualified by the Bureau.

(7-27-94)()

02. Required Signatures on Application. An application for an electrical contractor license shall be signed by the applicant or by the official representative of the partnership, company, firm, association, or corporation making the application. The application shall be countersigned by the supervising ~~journeyman~~ master electrician. (4-1-91)()

03. Electrical Contracting Work Defined. An electrical contractor license issued by the Division of Building Safety must be obtained prior to acting or attempting to act as an electrical contractor in Idaho. (4-5-00)

a. Electrical contracting work includes electrical maintenance or repair work, in addition to new electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code. (4-5-00)

b. Any person or entity providing or offering to provide electrical contracting services, including, but not limited to, submitting a bid shall be considered as acting or attempting to act as an electrical contractor and shall be required to be licensed. (4-5-00)

c. Any person or entity, not otherwise exempt, who performs or offers to perform electrical contracting work, is acting as an electrical contractor, whether or not any compensation is received. (4-5-00)

04. Previous Revocation. Any applicant for an electrical contractor license who has previously had his electrical contractor license revoked for cause, as provided by Section 54-1009, Idaho Code, shall be considered as unfit and unqualified to receive a new electrical contractor license so long as such cause for revocation is continuing and of such nature that correction can be made by the applicant. (1-14-87)

05. Reviving an Expired License. Any applicant for an electrical contractor license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-1013, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violates any of the laws and/or rules applicable to electrical contractors. (4-1-91)

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DIVISION OF BUILDING SAFETY Rules of Electrical Licensing and Registration - General

Docket No. 07-0103-0701
PENDING RULE

06. Qualification and Duties for Supervising Journeyman or Master. ()

a. A ~~journeyman~~ master electrician shall not be considered as qualified to countersign an electrical contractor license application as the supervising ~~journeyman~~ master, nor shall said application be approved if he does countersign said application as the supervising ~~journeyman~~ master, if said ~~journeyman~~ master has had his Idaho Electrical Contractor license revoked for cause under Section 54-1009, Idaho Code. ()

b. A supervising ~~journeyman~~ master shall not countersign for more than one (1) contractor. ()

c. A journeyman who is a full time employee of a company, corporation, firm or association with an industrial account may sign as supervising journeyman for that industrial account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner and complies with the provisions of Subsections 015.01.a. and 015.01.b. (7-1-97)

d. Duties include: assuring that all electrical work substantially complies with the National Electrical Code and other electrical installation laws and rules of the state, and that proper electrical safety procedures are followed; assuring that all electrical labels, permits, and licenses required to perform electrical work are used; assuring compliance with correction notices issued by the Bureau. ()

07. Failure to Correct Defects in Electrical Installations. If a ~~journeyman~~ master countersigns an electrical contractor license application pursuant to Subsection 015.03 and thereafter willfully fails to correct defects in electrical installations he made or supervised, and such defects are within his power to correct and are not the fault of the contractor, then the Electrical Bureau shall have the power to suspend or revoke said ~~journeyman~~ master's license pursuant to Section 54-1009, Idaho Code. (~~1-14-87~~)()

08. Overcharging of Fees. It shall be grounds for suspension or revocation of an electrical contractor license if he charges and collects from the property owner an electrical permit or inspection fee which is higher than the fee actually in effect at the time of such charging and collection, pursuant to the current Electrical Laws and Rules of the Division of Building Safety, Electrical Bureau, and the fee remitted by the contractor to the Bureau is less than the fee actually charged and collected by him. (4-6-83)

09. ~~Electrical~~ Termination of Supervising Master or Contractor's ~~Examination~~ Designee. (~~9-1-94~~)()

a. ~~Each electrical contractor's license applicant must pass a contractor's examination to be administered by the Bureau or its designee. Any applicant which purports to be a non-individual (i.e., corporation, partnership, company, firm, or association), must designate in writing an individual to represent the partnership, company, etc., for examination purposes. Any such designee shall be a full-time supervisory employee and may not represent any other applicant for an electrical contractor's license. Any person designated under Subsection 015.09.a., and the contractor he represents, shall each notify the Bureau in writing if the~~

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules of Electrical Licensing and Registration - General**Docket No. 07-0103-0701**
PENDING RULE

supervising master's working relationship with the contractor has been terminated. Each notice must be filed with the Bureau within ten (10) days of the date of termination. If the supervising master's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another supervising journeyman is qualified by the Bureau.

(9-1-94)()

b. Any person designated under Subsection 015.09.a., and the contractor he represents, shall each notify the Bureau in writing if the designee's working relationship with the contractor has been terminated. Each notice must be filed with the Bureau within ten (10) days of the date of termination. If the designee's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another duly qualified designee passes the electrical contractor's examination on behalf of the contractor.

(9-1-94)

~~**e.** Passage of the contractor's examination shall only be required for new electrical contractor license applications submitted after the effective date of this rule, September 1, 1994, and shall not apply to license renewal or revival under Section 54-1013, Idaho Code.~~

(9-1-94)

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 133 and 134.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Electrical Specialty Licensing

Docket No. 07-0104-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Division of Building Safety and the electrical industry recognized that the heightened rules for electrical contractors (requiring a master electrician license), should not apply to specialty contractor licenses. This proposed rule is the result of extensive negotiations and hearings conducted over the past year as part of a negotiated rulemaking. The proposed rule changes clarify that the owner or qualified employee of an applicant for an electrical specialty contractor license need not be licensed as a master electrician. Only a supervising specialty journeyman license is required.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, page 85.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 16th day of August, 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Electrical Specialty Licensing

Docket No. 07-0104-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

017. SPECIALTY CONTRACTOR LICENSE.

01. Qualifications for Specialty Electrical Contractor. Except as herein provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for a specialty electrical contractor license upon the condition that such applicant will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. The supervising specialty journeyman electrician shall be available during working hours to carry out the duties of supervising specialty journeyman, as set forth herein. In addition, the applicant shall meet or have at least one (1) full-time employee who meets one (1) of the following criteria: (3-30-01)

a. Holds a valid specialty journeyman electrician license issued by the Electrical Bureau, in the same category as the specialty contractor, and has held a valid specialty journeyman electrician's license for a period of not less than two (2) years, during which time he was employed as a specialty journeyman electrician for a minimum of four thousand (4,000) hours; (3-30-01)

b. Holds a valid specialty journeyman electrician license issued by the Electrical Bureau, in the same category as the specialty contractor, and has at least four (4) years of experience in the specialty electrical category with a minimum of two (2) years practical experience in planning, laying out, and supervising electrical installations in this specialty category. (3-30-01)

02. Modification to Qualifications. Applicants for specialty contractor licenses, or individuals countersigning such applications, shall be subject to the same requirements, restrictions, and fees applicable to other electrical contractors and countersigning *journeyman master*, as set forth in the current Electrical Laws and Rules with the exception that an electrical contractor requires a master electrician to countersign as a supervising master whereas a supervising specialty journeyman for a specialty electrical contractor must meet the requirements of Subsection 017.01. (~~3-30-01~~)()

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2008, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1001, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 135 through 137.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
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HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Use of National Electrical Code

Docket No. 07-0106-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1001, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Electrical Board adopts the latest versions of the National Electrical Code as they become available. Such timely adoption assures the best protection for Idaho citizens. The proposed rule changes adopt the 2008 National Electrical Code, with amendments reflecting the best judgment of the Board.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of time limitations and the need to implement some significant safety measures as soon as possible. DBS and Electrical Board members have discussed this issue at length with representatives of the Building Contractor Association, local jurisdictions, electrical contractors, electricians, and specialty contractors affected by the implementation of the new code. DBS and the Electrical Board feel that the rule being proposed is a consensus document and reflects a middle of the road approach enhancing safety without adding significant cost to consumers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Governing the Use of National Electrical Code

Docket No. 07-0106-0701
PENDING RULE

DATED this 28th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE, 2005~~8~~ EDITION.

01. ~~The National Electrical Code, 2005 Edition Documents.~~ Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2005~~8~~ Edition, (herein NEC) is hereby adopted and incorporated by reference for the state of Idaho and shall be in full force and effect on and after July 1, 2005~~8~~, with the exception of the following: ~~(4-11-06)~~()

a. Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (5-3-03)

b. Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (5-3-03)

~~**c.** Compliance with Article 210.12(B) shall not apply to the fire/smoke alarm branch circuit outlet.~~ (5-3-03)

~~**d.**~~ Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230-Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device(s) (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-away fuse holder(s) accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire-supporting poles shall be appropriately grounded and bonded per the NEC. (4-6-05)

d. Compliance with Article 210.12 Arc-Fault Circuit-Interrupter Protection. ()

i. Definition. Arc-Fault Circuit-Interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected. ()

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DIVISION OF BUILDING SAFETY Rules Governing the Use of National Electrical Code

**Docket No. 07-0106-0701
PENDING RULE**

ii. Dwelling Unit Bedrooms. All one hundred twenty-volt (120), single phase, fifteen- and twenty-ampere (15 and 20) branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. ()

e. Compliance with Article 680.26 Bonding. ()

i. Performance. The bonding required by this section shall be installed to eliminate voltage gradients in the pool area as prescribed. FPN: This section does not require that the eight (8) AWG or larger solid copper bonding conductor be extended or attached to any remote panelboard, service equipment, or any electrode. ()

ii. Bonded Parts. The parts specified in 680.26(B)(1) through (B)(5) shall be bonded together. ()

(1) Metallic Structural Components. All metallic parts of the pool structure, including the reinforcing metal of the pool shell, coping stones, and deck, shall be bonded. The usual steel tie wires shall be considered suitable for bonding the reinforcing steel together, and welding or special clamping shall not be required. These tie wires shall be made tight. If reinforcing steel is effectively insulated by an encapsulating nonconductive compound at the time of manufacture and installation, it shall not be required to be bonded. Where reinforcing steel is encapsulated with a nonconductive compound, provisions shall be made for an alternate means to eliminate voltage gradients that would otherwise be provided by unencapsulated, bonded reinforcing steel. ()

(2) Underwater Lighting. All forming shells and mounting brackets of no-niche luminaries (fixtures) shall be bonded unless a listed low-voltage lighting system with nonmetallic forming shells not requiring bonding is used. ()

(3) Metal Fittings. All metal fittings within or attached to the pool structure shall be bonded. Isolated parts that are not over one hundred (100) mm (four (4) inches) in any dimension and do not penetrate into the pool structure more than twenty-five (25) mm (one (1) inch) shall not require bonding. ()

(4) Electrical Equipment. Metal parts of electrical equipment associated with the pool water circulating system, including pump motors and metal parts of equipment associated with pool covers, including electric motors, shall be bonded. Metal parts of listed equipment incorporating an approved system of double insulation and providing a means for grounding internal nonaccessible, non-current-carrying metal parts shall not be bonded. Where a double-insulated water-pump motor is installed under the provisions of this rule, a solid eight (8) AWG copper conductor that is of sufficient length to make a bonding connection to a replacement motor shall be extended from the bonding grid to an accessible point in the motor vicinity. Where there is no connection between the swimming pool bonding grid and the equipment grounding system for the premises, this bonding conductor shall be connected to the equipment grounding conductor of the motor circuit. ()

(5) Metal Wiring Methods and Equipment. Metal-sheathed cables and raceways, metal piping, and all fixed metal parts except those separated from the pool by a permanent barrier shall be bonded that are within the following distances of the pool: ()

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DIVISION OF BUILDING SAFETY Rules Governing the Use of National Electrical Code

**Docket No. 07-0106-0701
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(a) Within one and five tenths (1.5) meters (five (5) feet) horizontally of the inside walls of the pool. ()

(b) Within three and seven tenths (3.7) meters (twelve (12) feet) measured vertically above the maximum water level of the pool, or any observation stands, towers, or platforms, or any diving structures. ()

iii. Common Bonding Grid. The parts specified in 680.26B shall be connected to a common bonding grid with a solid copper conductor, insulated, covered, or bare, not smaller than eight (8) AWG. Connection shall be made by exothermic welding or by pressure connectors or clamps that are labeled as being suitable for the purpose and are of stainless steel, brass, copper, or copper alloy. The common bonding grid shall be permitted to be any of the following: ()

(1) The structural reinforcing steel of a concrete pool where the reinforcing rods are bonded together by the usual steel tie wires or the equivalent. ()

(2) The wall of a bolted or welded metal pool. ()

(3) A solid copper conductor, insulated, covered, or bare, not smaller than eight (8) AWG. ()

(4) Rigid metal conduit or intermediate metal conduit of brass or other identified corrosion-resistant metal conduit. ()

iv. Connections. Where structural reinforcing steel or the walls of bolted or welded metal pool structures are used as a common bonding grid for nonelectrical parts, the connections shall be made in accordance with 250.8. ()

v. Pool Water Heaters. For pool water heaters rated at more than fifty (50) amperes that have specific instructions regarding bonding and grounding, only those parts designated to be bonded shall be bonded, and only those parts designated to be grounded shall be grounded. ()

02. ~~The National Electrical Code, 2005 Edition, Availability.~~ This document is available at the office of the Division of Building Safety ~~offices located~~ at 1090 E. Watertower St., Meridian, Idaho 83642 ~~and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814.~~

(4-11-06)()

HOUSE BUSINESS COMMITTEE

IDAPA 07- DIVISION OF BUILDING SAFETY

07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS

DOCKET NO. 07-0107-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 138 through 141.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Continuing Education Requirements

Docket No. 07-0107-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Continuing education is required of electricians for renewal of their licenses. The current policy for approval of sponsors, courses, and instructors has been reviewed and approved by the Idaho State Electrical Board, but those requirements are not defined by administrative rule. This proposal would place those requirements in administrative rule. The proposed rule changes define the requirements for electrical continuing education sponsors, courses, and instructors.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Board has become aware of problems in some of the current programs and recognized a need to clarify and move current administrative policy into rule to facilitate corrective action by the administrator.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Continuing Education Requirements

Docket No. 07-0107-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

012. COURSE APPROVAL REQUIREMENTS.

Continuing education courses for electricians must cover technical aspects of the electrical trade. Courses related to management, supervision, business practices, personal computer skills, or first aid will not be approved. Courses will be approved as either code update or industry related based on the criteria as defined in this section. ()

01. General Course Requirements. ()

a. Courses must be at least four (4) hours in length. ()

b. Courses must be taught by an instructor approved by the Electrical Bureau. ()

c. The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. ()

d. A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the Electrical Bureau. ()

e. All programs are subject to audit by representatives of the Division of Building Safety or Idaho State Electrical Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. ()

f. Credit will not be given to a licensee who attended a course prior to that course being approved by the Division of Building Safety. ()

02. Code Update Programs. Code update programs must cover changes to the National Electrical Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. ()

03. Industry Related Programs. Industry related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry related programs. ()

04. Program Approval Procedures. ()

a. Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. ()

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DIVISION OF BUILDING SAFETY Rules Governing Continuing Education Requirements

**Docket No. 07-0107-0701
PENDING RULE**

b. An application for course approval may be obtained from the Electrical Bureau, 1090 E. Watertower, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. The application shall include: ()

i. The title and general description of the program; ()

ii. The name of the sponsor as it will appear on the completion certificate; ()

iii. The address and contact person for the sponsor; ()

iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; ()

v. The hours of instruction to be presented – correspondence or on-line computer based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred and sixty (160) questions; ()

vi. An outline of the program; ()

vii. The cost of the program to the participant; ()

viii. A schedule of classes, including locations, dates, and times; ()

ix. A list or sample of materials to be used in the program; ()

x. A copy of the quiz to be given to the participants, if applicable; ()

xi. A copy or sample of the completion certificate; and ()

xii. A copy of the evaluation card. ()

c. Certificates of Completion. Certificates of completion must contain the following: ()

i. The date of the program; ()

ii. The title of the program; ()

iii. The location of the program; ()

iv. The name of the sponsor; ()

v. The number of hours of credit completed; ()

vi. The name of the attendee; ()

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DIVISION OF BUILDING SAFETY Rules Governing Continuing Education Requirements

***Docket No. 07-0107-0701
PENDING RULE***

vii. The license number of the attendee; ()

viii. The name of the instructor; and ()

ix. The Idaho course approval number. ()

d. Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: ()

i. The date of the program; ()

ii. The title of the program; ()

iii. The location of the program; ()

iv. The instructor's name; ()

v. An evaluation of the course (e.g., poor, fair, good, very good, excellent); and ()

vi. An evaluation of the instructor's presentation skills. ()

05. **Appeals.** Appeals for courses that have been denied approval shall be submitted in writing and shall be presented to the Idaho State Electrical Board within thirty (30) days for review. Decision by the Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedures Act as an appeal from a final agency action in a contested case proceeding. ()

06. **Instructor Approval Procedures.** ()

a. Instructor approvals shall be effective for one (1) code cycle. ()

b. An application for instructor approval may be obtained from the Electrical Bureau, 1090 E. Watertower, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. Documentation of the instructor qualifications must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: ()

i. Current and active Master or Journeyman Electrician license; ()

ii. An appropriate degree related to the electrical field; or ()

iii. Other recognized experience or certification in the subject matter to be presented. ()

c. Any person denied instructor approval may appeal to the Idaho State Electrical Board within thirty (30) days. Decision by the Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedures Act as an

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY **Rules Governing Continuing Education Requirements**

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appeal from a final agency action in a contested case proceeding. ()

07. Revocation of Approval. ()

a. The Idaho State Electrical Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval shall include, but not be limited to: ()

i. Failure of the instructor to substantially follow the approved course materials; ()

ii. Failure to deliver instruction for the full amount of time approved for the course;
or ()

iii. Substantial dissatisfaction with the instructor's presentation or the content of the course or materials by the class attendees or representatives of the Division of Building Safety or Idaho State Electrical Board. ()

b. Decision by the Board on the appeal shall be final. Any further appeal shall be to the district court as provided by Title 67, Chapter 52, the Idaho Administrative Procedure Act, as an appeal from a final agency action in a contested case proceeding. ()

08. Requirements for Credit. In order for a licensee to receive credit for attending a class, the following requirements must be met: ()

a. The class must have prior approval by the Electrical Bureau or a state that is reciprocal with Idaho for continuing education; ()

b. The instructors must be approved instructors for the program; ()

c. The licensee must submit a copy of the certificate of completion to the Electrical Bureau; and ()

d. The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. ()

09. Schedule of Approved Classes. The Electrical Bureau shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee via the Division of Building Safety's website or by mail. ()

0123. -- 999. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 146 through 148.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone / (208) 855-2164 fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Plumbing Safety Licensing

Docket No. 07-0205-0701
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed change is needed to clarify and specify the permitted scope of work for appliance plumbing specialty licensing.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rule is the result of long-term discussions relative to the problems with water treatment installers. The plumbing industry is largely supportive of this proposal and many water treatment companies have also expressed support.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

018. APPLIANCE PLUMBING SPECIALTY LICENSE.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Governing Plumbing Safety Licensing

**Docket No. 07-0205-0701
PENDING RULE**

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of appliance plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified appliance plumbing specialty journeymen shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Appliance plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. (7-1-99)

d. Appliance plumbing specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of seventy-two (72) hours of approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. (7-1-99)

e. Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years experience of owning and operating a business where this specialty applies AND satisfactory completion of seventy-two (72) hours of approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use five (5) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least five (5) years. (7-1-99)

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Governing Plumbing Safety Licensing

**Docket No. 07-0205-0701
PENDING RULE**

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. A person holding a valid appliance plumbing specialty license is permitted to disconnect, cap, remove, and reinstall, within sixty (60) inches of original location, the following: ()

a. ~~Water heating appliance, water treating or filtering devices~~ conditioning equipment, which includes, but is not limited to: ()

i. Water softeners; ()

ii. Conditioners; ()

iii. Whole house filtration systems; ()

iv. Iron filters; ()

v. Chlorine filters; ()

vi. Fluoride filters; ()

vii. Sediment filters (self-cleaning and canister type); ()

viii. Reverse Osmosis filtration; ()

ix. Other under counter water filtration systems; and ()

x. Air ~~or~~ and space temperature modifying equipment which involves potable water; or humidifiers; temperature and pressure relief valves; condensate drains and indirect drains in one (1) and two (2) family residences only. ()

b. Work authorized under the license ~~Does not include~~ or ~~any modification to the drain, waste, or vent systems. Work done under the license~~ must comply with all Idaho State Plumbing laws and rules and ~~the requirements of~~ the Uniform Plumbing Code. (7-1-99)()

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE

DOCKET NO. 07-0206-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Text has been added to IDAPA 07.02.06.011.22.c. and the paragraph reads as follows:

Subsection 011.22.c.

c. Sidewall venting must meet the intent of Section 906.2 of the UPC. ()

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 29 through 32.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 5th day of September, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone / (208) 855-2164 fax

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Concerning Uniform Plumbing Code

Docket No. 07-0206-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2605, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule change is needed to authorize the plumbing industry to utilize improvements and advanced techniques in plumbing installations. The changes specify when and under what circumstances sidewall venting and air admittance valves may be used in plumbing systems.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fees or charges are being imposed or increased.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

This rulemaking will not result in any negative fiscal impact on the state general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of opposition from the industry.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 29th day of June, 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Concerning Uniform Plumbing Code

**Docket No. 07-0206-0701
PENDING RULE**

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE 2003 UNIFORM PLUMBING CODE.

The 2003 Uniform Plumbing Code, including Appendices “A, B, D, E, G, H, I, J, and L,” (herein U.P.C.) is adopted and incorporated by reference with the following amendments. The 2003 Uniform Plumbing Code is available at the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; and at the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. (4-6-05)

01. Section 218. Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-15-02)

02. Section 316.1.6. PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (4-6-05)

03. Section 420.0. Pressure balance or thermostatic mixing valves are not required for high flow (over eight (8) g.p.m.) tub filler valves with hand shower sets attached. (3-15-02)

04. Section 421.0. Delete. (4-6-05)

05. Section 604.1. Materials. Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM – F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. (4-6-05)

06. Section 609.4. Testing. Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (4-6-05)

07. Section 609.10. Water hammer. Does not apply to residential construction. (7-1-98)

08. Table 6-4 and Table A-2. Change fixture unit loading value for bathtub or combination bath/shower, and clotheswashers to two (2) fixture units. (3-15-02)

09. Section 610.2. All new one (1) and two (2) family residences must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. (3-30-07)

10. Section 611.4. Sizing of Residential Softeners. Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Concerning Uniform Plumbing Code

**Docket No. 07-0206-0701
PENDING RULE**

(4-6-05)

11. Table 7-3. Maximum unit loading and maximum length of drainage and vent piping. (EXCEPTION) The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines (ref: Section 717.0). Change fixture unit loading value for clotheswashers, domestic to two (2) fixture units. (3-15-02)

12. Section 703.1 - Underground Drainage and Vent Piping. No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar shall be less than two (2) inches in diameter. (3-15-02)

13. Section 703.2 and 710.5. Add Exception. In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

14. Section 704.2. Two inch (2") and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (4-6-05)

15. Section 704.3. Delete. (5-3-03)

16. Table 7-5. Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (7-1-98)

17. Section 707.4 Cleanouts. A full-sized accessible cleanout shall be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line shall be installed at the junction of the building drain and the building sewer (ref.: Section 719.1). Cleanouts shall be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-15-02)

18. Section 712.1. In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air." (4-6-05)

19. Section 801.2.3. Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five point four (25.4) mm). (5-3-03)

20. Section 801.4. Drains. Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths inch (¾") minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths inch (¾"). (3-30-07)

21. Section 807.4. A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Concerning Uniform Plumbing Code

Docket No. 07-0206-0701
PENDING RULE

(3-15-02)

22. Section 906.1. Delete the existing provision and replace with the following: ()

a. Roof venting. When conventional roof venting is utilized, each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (152 mm) above the roof nor less than one (1) foot (305 mm) from any vertical surface. ()

b. Sidewall venting. When sidewall venting is utilized, the vent shall extend flush with the eaves/gable end, shall turn down using a ninety (90) degree ell, and shall terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. ()

c. Sidewall venting must meet the intent of Section 906.2 of the UPC. ()

223. Section 908. Exception - Vertical Wet Venting. A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 are met. (7-1-98)

24. Section 909.0. Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). ()

a. An A.A.V. may be used only in residential buildings. ()

b. In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. shall not be used in bathroom groups. ()

c. In new construction, an A.A.V. may be used on island fixture sinks. ()

d. Each A.A.V. may be used to vent only one (1) floor. ()

e. Each A.A.V. must be readily accessible. ()

f. The cross-sectional area of venting must remain the same and must meet the largest required building drain. ()

g. An A.A.V. shall only be installed in accordance with the manufacturer's installation standards as per ASSE 1051. ()

h. An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. ()

235. Section 1002.3. Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-15-02)

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.07 - RULES GOVERNING CIVIL PENALTIES

DOCKET NO. 07-0207-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 149 and 150.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone / (208) 855-2164 fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Civil Penalties

Docket No. 07-0207-0701
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2605, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed change is needed to eliminate confusion and misunderstanding regarding whether a provision for civil penalties applies to licensed plumbing contractors. The proposed change adds language to the rule to clarify that a person holding a valid plumbing contractor license is not subject to certain civil penalties.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Board felt strongly that clarification was needed to better reflect the Board's intent when civil penalties are initially implemented.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Governing Civil Penalties

**Docket No. 07-0207-0701
PENDING RULE**

011. CIVIL PENALTIES.

The following acts shall subject the violator to penalties based on the following schedule.

(3-24-05)

01. Plumbing Contractor. Except as provided by Section 54-2602, Idaho Code, any person who acts, or purports to act as a plumbing contractor, as defined by Section 54-2611(a), Idaho Code, without a valid Idaho state certificate of competency authorizing him to do so shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.

(3-24-05)

02. Certification or Registration. Except as provided by Section 54-2602, Idaho Code, any person performing plumbing as defined in Section 54-2603, Idaho Code without an appropriate certificate of competency or registration shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.

(3-24-05)

03. Performance Outside Scope of Certificate. Any specialty contractor or specialty journeyman performing plumbing installations, alterations or maintenance outside the scope of the specialty certificate of competency shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.

(3-24-05)

04. Fees, Permits and Inspections. Any person, other than a person who holds a valid Idaho state plumbing contractor's certificate of competency, failing to pay applicable fees, or properly post a plumbing permit, or to request an inspection of all pipes, fittings, valves, vents, fixtures, appliances, appurtenances, and water treatment installations and repairs shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand (\$1,000) for each offense thereafter. ~~(3-24-05)~~()

05. Corrections. Any person, other than a person who holds a valid Idaho state plumbing contractor's certificate of competency, who fails to make corrections in the time allotted in the notice on any plumbing installation as set forth in Section 54-2625, Idaho Code, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.

~~(3-24-05)~~()

06. Gross Violation. In the case of continued, repeated or gross violation of Title 54, Chapter 26, Idaho Code or IDAPA 07.02, disciplinary action shall be initiated against certificate holders under this chapter or the matter shall be referred for prosecution.

(3-24-05)

07. Judicial Review. Any party aggrieved by the final action of the Board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code.

(3-24-05)

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-8605 and 39-8614, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 158 and 159.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
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HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY

Safety Rules for Elevators, Escalators, and Moving Walks

Docket No. 07-0402-0701

PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-8605 and 39-8614, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The code references noted in Section 39-8614, Idaho Code, are not specific as to the current editions being enforced. The administrator of the Division of Building Safety is charged with promulgating rules to specify the particular editions being enforced. The proposed rule change adopts current editions of the applicable codes along with applicable amendments and updates as listed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the specification of applicable code editions has been lacking since the implementation of the Elevator Safety Act. This issue has been discussed with building owners and elevator companies and both groups support the proposed rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

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DIVISION OF BUILDING SAFETY
Safety Rules for Elevators, Escalators, and Moving Walks

Docket No. 07-0402-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. ADOPTION AND INCORPORATION BY REFERENCE.

01. Documents. ~~There are no documents~~ The following codes, amendments, and updates are hereby adopted and incorporated by reference into these rules for all conveyances subject to this chapter. (4-6-05)()

a. ANSI/ASME A17.1 2004, Safety Code for Elevators and Escalators with 2005 Addenda and 2005 Supplement. ()

b. ANSI/ASME A17.2 2004 Guide for Inspection of Elevators, Escalators, and Moving Walks. ()

c. ANSI/ASME A17.3 2005 Safety Code for Existing Elevators and Escalators. ()

d. ANSI/ASME A17.4 1999 Guide for Emergency Personnel. ()

e. ANSI/ASME A17.5 2005 Safety Standards for Platform Lifts and Chairlifts. ()

f. ICC/ANSI A117.1 2003 Accessible and Usable Buildings and Facilities. ()

g. ANSI/ASME A18.1 2005 Safety Standards for Platform Lifts and Chairlifts. ()

h. ASME QE-1 2004 Standard for the Qualification of Elevator Inspectors. ()

02. Copies. Copies of the codes, amendments, and updates listed in Subsection 004.01 of these rules are available for review at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. ()

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1907, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 160 through 171.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
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HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules of the Public Contractors License Board

Docket No. 07-0501-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule change is necessary to facilitate the enforcement of changes to the subcontractor naming requirements contained in House Bill No. 139 enacted by the 2007 Idaho Legislature. The proposed rule changes consolidate two existing specialty construction categories that involve HVAC work into one category. This will eliminate confusion as to which category of license is applicable to the HVAC work being done.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because an immediate solution was necessary to avoid continued confusion about the appropriate license specialty involved and the solution is non-controversial.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 10th day of August 2007.

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DIVISION OF BUILDING SAFETY
Rules of the Public Contractors License Board

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THE FOLLOWING IS THE TEXT OF THE PENDING RULE

200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.

A license for Type 4-Specialty Construction shall list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (4-6-05)

01. 01107 Engineering. A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (4-6-05)

02. 01541 Scaffolding and Shoring. A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (4-6-05)

03. 01542 Craning and Erection. A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (4-6-05)

04. 01550 Construction Zone Traffic Control. A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (4-6-05)

05. 01570 Temporary Erosion and Sediment Controls. A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (4-6-05)

06. 02110 Excavation, Removal and Handling of Hazardous Material. A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (4-6-05)

07. 02115 Removal of Underground Storage Tanks. A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents. (4-6-05)

08. 02195 Environmental Remediation, Restoration and Soil Stabilization. A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites. (4-6-05)

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09. 02210 Drilling. A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting. (4-6-05)

10. 02220 Demolition. A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public. (4-6-05)

11. 02230 Site Clearing. A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in preparation for excavation of a construction site or other uses. (4-6-05)

12. 02231 Logging. A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations. (4-6-05)

13. 02232 Tree Removal and Trimming. A specialty contractor whose primary business includes pruning, removal, and/or guying of trees, limbs, stumps, and bushes including grinding and removal of such items. (4-6-05)

14. 02240 Dewatering and Subsurface Drainage. A specialty contractor whose primary business is to control the level and flow of subsurface water. (4-6-05)

15. 02260 Earth Retention Systems, Mechanical Stabilized Earth Walls and Retaining Walls. A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls. (4-6-05)

16. 02265 Slurry Walls. A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete. (4-6-05)

17. 02270 Rockfall Mitigation and High Scaling. A specialty contractor whose primary business is rockfall mitigation and high scaling. (4-6-05)

18. 02310 Excavation and Grading. A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (4-6-05)

19. 02312 Dust Control, Dust Abatement and Dust Oiling. A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (4-6-05)

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- 20. 02317 Rock Trenching.** A specialty contractor whose primary business is rock trenching. (4-6-05)
- 21. 02318 Hauling.** A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (4-6-05)
- 22. 02319 Blasting.** A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliampere meter (VOM) in testing blasting machine output voltage, power line voltage, measuring electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (4-6-05)
- 23. 02325 Dredging.** A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (4-6-05)
- 24. 02404 Horizontal and Directional Earth Boring, Trenching and Tunneling.** A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (4-6-05)
- 25. 02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier and Helical Piers.** A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (4-6-05)
- 26. 02500 Utilities.** A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (4-6-05)
- 27. 02520 Well Drilling.** A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (4-6-05)
- 28. 02580 Installation of Communication Towers.** A specialty contractor whose primary business and expertise is the installation of communication towers. (4-6-05)

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29. 02660 Membrane Liners for Ponds and Reservoirs. A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (4-6-05)

30. 02720 Crushing. A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (4-6-05)

31. 02740 Asphalt Paving. A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (4-6-05)

32. 02761 Traffic Marking and Striping. A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (4-6-05)

33. 02785 Asphalt Maintenance and Repair, Seal Coating, Crack Sealing and Chip Sealing. A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip sealing. (4-6-05)

34. 02790 Athletic and Recreational Surfaces. A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (4-6-05)

35. 02810 Sprinkler and Irrigation Systems. A specialty contractor whose primary business includes the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.) (4-6-05)

36. 02820 Fencing. A specialty contractor whose primary business includes the installation and repair of any type of fencing. (4-6-05)

37. 02840 Guardrails and Safety Barriers. A specialty contractor whose primary

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business includes the installation of guardrails and safety barriers (including cattle guards).
(4-6-05)

38. 02850 Bridges and Structures. A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts.
(4-6-05)

39. 02855 Bridge Crossings and Box Culverts. A specialty contractor whose primary business is the installation and/or construction of any bridge or crossing structure shorter than twenty (20) feet measured on the centerline of the roadway or trail.
(4-6-05)

40. 02880 Installation of School Playground Equipment. A specialty contractor whose primary business is the installation of school playground equipment.
(4-6-05)

41. 02890 Traffic Signs and Signals. A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work.
(4-6-05)

42. 02900 Landscaping, Seeding and Mulching. A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith.
(4-6-05)

43. 02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation for Erosion Control. A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control.
(4-6-05)

44. 02935 Landscape Maintenance. A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems.
(4-6-05)

45. 02937 Pest Control, Sterilization and Herbicide Applications. A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds.
(4-6-05)

46. 02955 Pipeline Cleaning, Sealing, Lining and Bursting. A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines.
(4-6-05)

47. 02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming and Pavement Surface Grinding. A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding.
(4-6-05)

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48. 02990 Structural Moving. A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (4-6-05)

49. 03200 Concrete Reinforcing Rebar Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile, perimeter or cross-section that are or may be used to reinforce concrete. (4-6-05)

50. 03300 Concrete. A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (4-6-05)

51. 03370 Specially Placed Concrete, Concrete Pumping and Shotcreting. A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (4-6-05)

52. 03380 Post-Tensioned Concrete Structures or Structural Members. A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (4-6-05)

53. 03500 Gypcrete. A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (4-6-05)

54. 03600 Concrete Grouting. A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (4-6-05)

55. 03650 Pressure Grouting and Slab Jacking. A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (4-6-05)

56. 03900 Concrete Demolition, Concrete Sawing and Cutting, Core Drilling, Joint Sealing and Hydrocutting. A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (4-6-05)

57. 04000 Masonry. A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units,

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gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (4-6-05)

58. 04900 Chemical Cleaning and Masonry Restoration. A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (4-6-05)

59. 05090 Welding. A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (4-6-05)

60. 05100 Steel Fabrication, Erection and Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (4-6-05)

61. 05700 Ornamental Metals. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but shall not include the work of a sheet metal contractor. (4-6-05)

62. 05830 Bridge Expansion Joints and Repair. A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (4-6-05)

63. 06100 Carpentry, Framing and Remodeling. A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (4-6-05)

64. 06130 Log and Heavy Timber Construction. A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (4-6-05)

65. 06139 Docks - Log and Wood Structures. A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (4-6-05)

66. 06200 Finish Carpentry and Millwork. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as

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millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (4-6-05)

67. 07100 Waterproofing and Dampproofing. A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (4-6-05)

68. 07200 Thermal Insulation. A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (4-6-05)

69. 07240 Stucco and Exterior Insulation Finish Systems (EIFS). A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (4-6-05)

70. 07400 Roofing and Siding. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but shall not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (4-6-05)

71. 07450 Siding and Decking. A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (4-6-05)

72. 07700 Sheet Metal Flashings, Roof Specialties and Accessories. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (4-6-05)

73. 07800 Sprayed on Fireproofing. A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (4-6-05)

74. 07920 Caulking and Joint Sealants. A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (4-6-05)

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75. 08100 Doors, Gates, Specialty Doors and Activating Devices. A specialty contractor whose primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (4-6-05)

76. 08500 Windows, Glass and Glazing. A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed. (4-6-05)

77. 09110 Steel Stud Framing. A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems. (4-6-05)

78. 09200 Lath and Plaster. A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing. (4-6-05)

79. 09250 Drywall. A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing. (4-6-05)

80. 09300 Tile and Terrazzo. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same. (4-6-05)

81. 09500 Acoustical Treatment. A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing. (4-6-05)

82. 09600 Flooring. A specialty contractor whose primary business includes the

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ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring. (4-6-05)

83. 09680 Floor Covering and Carpeting. A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft. (4-6-05)

84. 09900 Painting and Decorating. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating. (4-6-05)

85. 09950 Sand Blasting. A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air. (4-6-05)

86. 09960 Specialty Coatings. A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings. (4-6-05)

87. 10150 Institutional Equipment. A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment. (4-6-05)

88. 10270 Raised Access Flooring. A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines. (4-6-05)

89. 10445 Non-Electrical Signs. A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs. (4-6-05)

90. 11001 Specialty Machinery and Equipment Installation and Servicing. A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings and/or roof structures for this equipment. (4-6-05)

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91. 11140 Petroleum and Vehicle Service Equipment, Installation and Repair. A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations. (4-6-05)

92. 11200 Water/Wastewater and Chemical Treatment. A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems. (4-6-05)

93. 11485 Climbing Wall Structures and Products. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does not include concrete foundations or buildings in which the climbing walls may be supported or housed. (4-6-05)

94. 12011 Prefabricated Equipment and Furnishings. A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment. (4-6-05)

95. 12490 Window, Wall Coverings, Drapes and Blinds. A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (4-6-05)

96. 13110 Cathodic Protection. A specialty contractor whose primary business is the prevention of corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (4-6-05)

97. 13121 Pre-Manufactured Components and Modular Structures. A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (4-6-05)

98. 13125 Pre-Engineered Building Kits. A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (4-6-05)

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99. 13150 Swimming Pools and Spas. A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Guniting, tile, pavers or other special materials used in pool construction. This category shall also include the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (4-6-05)

100. 13165 Aquatic Recreational Equipment. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (4-6-05)

101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk). A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (4-6-05)

102. 13280 Hazardous Material Remediation. A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (4-6-05)

103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (4-6-05)

104. 13800 Instrumentation and Controls. A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (4-6-05)

105. 13850 Alarm Systems. A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical). (4-6-05)

106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers). A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (4-6-05)

107. 13970 Fire Extinguisher and Fire Suppression Systems. A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers. (4-6-05)

108. 14200 Elevators, Lifts and Hoists. A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable

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and wire rope, guides, cabs, counterweights, doors, sidewalk elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation. (4-6-05)

109. 15100 Pipe Fitter and Process Piping. A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories. (4-6-05)

110. 15400 Plumbing. A specialty contractor whose primary business includes the ability to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with State Plumbing Bureau is required). (4-6-05)

111. 15510 Boiler ~~Hot Water Heating~~ and Steam Fitting. A specialty contractor who installs, services and repairs ~~power~~ boilers, ~~hot water heating systems~~ and associated steam distribution fitting, including fire tube and water tube steel power boilers and hot water heating low pressure boilers, steam fitting and piping, fittings, valves, gauges, pumps, radiators, convectors, fuel oil tanks, fuel oil lines, chimneys, flues, heat insulation and all other equipment, including solar heating equipment, associated with these systems. This category is limited to work not requiring a heating, ventilating, and air conditioning (HVAC) license issued by the Division of Building Safety. (4-6-05)()

112. 15550 Chimney Repair. A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area. (4-6-05)

113. 15600 Refrigeration. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but shall not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (4-6-05)

114. 15700 Heating, Ventilation, and Air Conditioning (HVAC) ~~and Warm Air Heating~~. A specialty contractor whose primary business includes the installation, alteration and repair of heating, ventilating, and air conditioning ~~and warm air heating~~ (HVAC) systems. ~~Systems may include, but are not limited to duct work, air filtering devices, water treatment devices, pneumatic or electrical controls and control piping, thermal and acoustical insulation,~~

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~~vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service connection to equipment served, testing and balancing refrigerant cooling and heating circuits and air handling systems.~~ Licensure by the Division of Building Safety as an HVAC contractor is required. (4-6-05)()

115. 15950 Testing and Balancing of Systems. A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (4-6-05)

116. 16000 Electrical. A contractor engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing electrical apparatus to be operated by such current. A contractor licensed in this category may perform all work covered in categories defined in Subsection 200.118. A contractor in this category must be an electrical contractor, licensed pursuant to Section 54-1007(1), Idaho Code. (3-30-07)

117. 16700 Communication. A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (4-6-05)

118. 16800 Electrical Specialty Contractor. A contractor engaging in, conducting, or carrying on the business of installing, altering, or repairing special classes of electrical wiring, apparatus, or equipment. A contractor in this category must be an electrical specialty contractor, licensed pursuant to Section 54-1007(1), Idaho Code, and may perform only that work included within the specialty license. Electrical specialty categories include, but are not limited to: (3-30-07)

- a. Elevator, Dumbwaiter, Escalator or Moving-walk Electrical; (3-30-07)
- b. Sign Electrical; (3-30-07)
- c. Manufacturing or Assembling Equipment; (3-30-07)
- d. Limited Energy Electrical License (low voltage); (3-30-07)
- e. Irrigation Sprinkler Electrical; (3-30-07)
- f. Well Driller and Water Pump Installer Electrical; and (3-30-07)
- g. Refrigeration, Heating and Air Conditioning Electrical Installer. (3-30-07)

119. 18100 Golf Course Construction. A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (4-6-05)

120. 18200 Underwater Installation and Diving. A specialty contractor whose primary business is marine construction under and above water. (4-6-05)

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121. 18300 Develop Gas and Oil Wells. A specialty contractor whose primary business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (4-6-05)

122. 18400 Nonstructural Restoration After Fire or Flood. A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (4-6-05)

123. 18600 Building Cleaning and Maintenance. A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (4-6-05)

124. 18700 Snow Removal. A specialty contractor whose primary business includes the plowing, removal and/or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (4-6-05)

125. 18800 Roadway Cleaning, Sweeping and Mowing. A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (4-6-05)

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 172 and 173.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Installation of HVAC Systems

Docket No. 07-0701-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The current administrative rule establishes the minimum requirements to obtain a HVAC (Heating, Ventilation, and Air Conditioning) Specialty Hearth Installer license, which includes specific education requirements. This rule change provides an alternative to those requirements for someone who has obtained the experience and knowledge from sources other than the requirements listed in the current rule.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: This rule change is the result of long-term, informal negotiations with the Hearth industry, and is endorsed by their representatives. As such, no formal negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 13th day of August 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Installation of HVAC Systems

Docket No. 07-0701-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

024. HVAC HEARTH SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS – REQUIREMENTS.

Certification as a hearth specialty journeyman entitles the holder to install hearth appliances and the associated gas lines. ~~Requirements for HVAC~~ Hearth Specialty Journeymen are: required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. (4-11-06)()

01. Experience. Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (4-11-06)

02. Education. Successfully complete a board approved training course(s), such as the National Fireplace Institute program and a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (4-11-06)()

03. Examination. ~~Applicants for certification as HVAC specialty journeymen must~~ Successfully complete an examination designated by the board. (4-11-06)()

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 174 and 175.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
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HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Installation of HVAC Systems

Docket No. 07-0701-0702
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This limited specialty license would allow waste oil heating equipment installers to install this equipment without obtaining a full unlimited HVAC (Heating, Ventilation, and Air Conditioning) contractor and/or journeyman license. The installer would be required to meet the licensure requirements to perform installations establishing a minimum level of competency to the public. The proposed rule changes establish a specialty HVAC license for waste oil heating equipment installers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: This rule change is the result of informal negotiations between the Division of Building Safety, the HVAC Board, and the waste oil heating industry. As such, no formal negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 13th day of August 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Installation of HVAC Systems

Docket No. 07-0701-0702
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

027. HVAC WASTE OIL HEATING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS - REQUIREMENTS.

Certification as a waste oil heating specialty journeyman entitles the holder to install non-duct connected waste oil heaters. Waste oil heating specialty journeymen are limited to the maintenance, installation, and repair of the equipment, controls, and piping directly associated with the waste oil heater, tank, and burner only. Any plumbing, electrical, ducting, venting, or associated equipment beyond the waste oil heater, tank, and burner shall be installed by others. Applicants for the waste oil heating specialty journeyman certificate of competency are required to meet the experience and examination requirements as defined in Section 027. ()

01. Experience. Demonstrate to the satisfaction of the board, a minimum of one (1) year experience making waste oil heating installations under the supervision of a qualified HVAC journeyman or HVAC Waste Oil Heating specialty journeyman. ()

02. Examination. Applicants for certification as HVAC waste oil specialty journeymen must successfully complete a waste oil burner manufacturers certification or examination as approved by the board. ()

0278. -- 049. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0703

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 176 and 177.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
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(208) 855-2164 fax

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Installation of HVAC Systems

Docket No. 07-0701-0703
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This limited specialty license would allow fuel gas piping installers to install this equipment without obtaining a full unlimited HVAC (Heating, Ventilation, and Air Conditioning) contractor and/or journeyman license. The installer would be required to meet the licensure requirements to perform installations establishing a minimum level of competency to the public. The proposed rule changes establish a specialty HVAC license for fuel gas piping installers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this issue has been discussed with representatives of the affected industry at several HVAC Board meetings and the rule is a result of those discussions.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 13th day of August 2007.

HOUSE BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing the Installation of HVAC Systems

Docket No. 07-0701-0703
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

028. HVAC FUEL GAS PIPING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS - REQUIREMENTS.

Certification as fuel gas piping specialty journeyman entitles the holder to install fuel gas piping only and shall not make the final termination. Appliances and the associated gas piping, chimney, and vents shall be installed by others. Fuel gas specialty journeymen are required to meet the experience requirement and either the education or examination requirement of Section 028 to receive a certificate of competency. ()

01. Experience. Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. ()

02. Education. Successfully complete a board approved training course(s), of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods.()

03. Examination. Successfully complete an examination designated by the board. ()

0279. -- 049. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.01 - TITLE INSURANCE DEFINITION OF TRACT INDEXES AND ABSTRACT RECORDS

DOCKET NO. 18-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-2705 Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 191 through 193.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dale Freeman, Insurance Financial Examiner, Idaho Department of Insurance, at 208/334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE

Title Insurance Definitions of Tract Indexes & Abstract Records

Docket No. 18-0101-0701

PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-2705, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The changes are intended to clarify that only the geographic index is required to be complete from inception of title from the United States of America, while the name index (grantor/grantee index), which must include all instruments, proceedings and matters of record that affect title, is not required to be complete from inception of title. The changes also include the addition of new sections to comply with administrative rule style requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the change in rule was requested by the title industry (the group that will be affected by the changes) and the proposed changes to the rule were accomplished in consultation with title industry representatives.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dale Freeman at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE

Title Insurance Definitions of Tract Indexes & Abstract Records

Docket No. 18-0101-0701

PENDING RULE

DATED this 7th day of August, 2007.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0101-0701

000. LEGAL AUTHORITY.

This Rule is promulgated pursuant to the general rule making authority in Idaho Code, Section 41-211, to aid in the effectuation of Idaho Code, Section 41-2702. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 18.01.01, "Title Insurance Definition of Tract Indexes and Abstract Records." ()

02. Application of Rule. The provisions of this rule shall apply to all title insurers and title insurance agents. This rule does not limit the Director's authority to determine that other title insurance trade practices constitute violations of Section 41-2702, Idaho Code. ()

03. Purpose. The purpose of this Rule is to define and clarify the meaning of "a complete set of tract indexes or abstract records" as used in Section 41-2702, Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(1)(v), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of the chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying at cost in the main office and each regional or district office of this agency. ()

003. ADMINISTRATIVE APPEALS.

All administrative appeals shall be governed by Chapter 2, Title 41, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, chapter 52, Idaho Code, and IDAPA 04.11.01, Idaho Rules of Administrative Procedure of the Attorney General - General Provisions. ()

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS, STREET ADDRESS AND WEB ADDRESS.

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays ()

02. Mailing Address. The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. ()

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE

Title Insurance Definitions of Tract Indexes & Abstract Records

Docket No. 18-0101-0701

PENDING RULE

03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, ID 83720-0043. ()

04. Web Site Address. The department's web address is <http://www.doi.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

0007. -- 010. (RESERVED).

011. TRACT INDEXES OR ABSTRACT RECORDS.

For clarification and guidance, the following is considered to be the correct definition or meaning of "a complete set of tract indexes or abstract records" as used in Section 41-2702, Idaho Code: "A set of indexes from which the record ownership and condition of title to all land within a particular county can be traced and ascertained, ~~such set of indexes to be complete from the inception of title from the United States of America.~~" (7-1-93)()

01. Basic Component Parts. The basic component parts of such a set of indexes are: (7-1-93)

a. An index or indexes, to be complete from the inception of title from the United States of America, in which the reference is to geographic subdivisions of land, classified according to legal description, (as distinguished from an index or indexes in which the reference is to the name of the title holder, commonly called a grantor-grantee index) wherein notations of or references to: (7-1-93)()

i. All filed or recorded instruments legally affecting title to particularly described parcels of real property and which impart constructive notice under the recording laws; and (7-1-93)

ii. All judicial proceedings in the particular county legally affecting title to particularly described parcels of real property are posted, filed, entered or otherwise included in that part of the indexing system which designates the particular parcel of real property; provided, no reference need be made in such index to any judicial proceeding which is referred to or noted in the name index defined in Subsection 012.01.b. below. (7-1-93)

iii. No requirement is hereby made for taxes and assessments, water or otherwise, or for water and mineral rights, land use regulations, and zoning ordinances to be made a part of the plant records. (7-1-93)

b. A name index or indexes wherein notations of or references to all instruments, proceedings and other matters of record in the particular county which legally affects or may legally affect title to all real property (as distinguished from particularly described parcels of real property) of the person, partnership, corporation or other entity named therein and affected thereby, including guardianships, absentee, bankruptcies, receiverships, divorces and mental

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE**Docket No. 18-0101-0701****Title Insurance Definitions of Tract Indexes & Abstract Records****PENDING RULE**

illness matters, if available, are posted, filed, entered or otherwise included in that part of the indexing system which designates the same. (7-1-93)

02. Index Maintenance. The indexes prescribed in Subsection 012.01 may be maintained in bound books, looseleaf books, jackets or folders, on card files, or in any other form or system, whether manual, mechanical, electronic or otherwise; or in any combination of such forms or systems. (7-1-93)

03. Subdivision or Refinement. The extent to which the prescribed indexes shall be subdivided or refined is dependent upon all relevant circumstances. The population of the particular county, the extent to which land within the particular county has been subdivided and passed into separate ownerships, and all other factors which are reasonably related to the purpose of the statutory requirements are entitled to consideration in such determination. (7-1-93)

04. Discarding or Destroying. Any requirement set forth in this rule to the contrary notwithstanding, it shall be permissible to discard and destroy prior index books, jackets, folders, cards, photoprints or files pertaining to recorded instruments affecting title to particularly described parcels of real property once the titles to such particularly described parcels have been searched, examined and a policy of owner's title insurance issued thereon. The discarding and destruction of prescribed index components herein provided for is applicable only when a permanent copy of the search notes, examiner's opinion and issued policy is retained in lieu of the discarded and destroyed index components. (7-1-93)

013. SEVERABILITY.

If any provision of this Rule is for any reason held to be invalid, the remainder of the Rule shall not be affected thereby. ()

0134. -- 999. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.03 - MILITARY SALES PRACTICES RULE

DOCKET NO. 18-0103-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 41-211 and 41-1302, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 194 through 202.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Shad Priest, at (208) 334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250 / Fax: (208)334-4398

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 5, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-1302, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule identifies specific methods and practices used in selling life insurance and annuity products to active duty military personnel that will be considered dishonest, unfair, deceptive or predatory for purposes of Section 41-1302, Idaho Code. This rule is a model rule developed by the National Association of Insurance Commissioners to comply with the federal Military Personnel Financial Services Act, which called for states to adopt uniform rules to protect military personnel from abusive sales practices for certain types of insurance products.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule is necessary to comply with changes to state and federal law and will confer a public benefit by protecting active duty military personnel from abusive and predatory insurance sales practices.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This rulemaking does not impose any fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact to the general fund resulting from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule is a model rule developed by the NAIC after public meetings involving industry and other affected parties. It is being adopted to comply with a federal law

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

calling on states to adopt uniform standards governing insurance sales to military personnel.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Shad Priest at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 9th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 18 TITLE 01 CHAPTER 03

18.01.03 - MILITARY SALES PRACTICES RULE

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority granted by Sections 41-211 and 41-1302, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 18.01.03, "Military Sales Practices Rule." ()

02. Purpose. ()

a. The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair. ()

b. Nothing herein shall be construed to create or imply a private cause of action for a violation of this rule. ()

03. Scope. ()

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

a. This rule shall apply only to the solicitation or sale of any life insurance or annuity product by an insurer or insurance producer to an active duty service member of the United States Armed Forces. For purposes of this rule, general advertisements, direct mail and internet marketing shall not constitute solicitation. Telephone marketing shall not constitute solicitation provided the caller explicitly and conspicuously discloses that the product concerned is life insurance and makes no statements that avoid a clear and unequivocal statement that life insurance is the subject matter of the solicitation. Provided however, nothing in this subsection shall be construed to exempt an insurer or insurance producer from this rule in any in-person, face-to-face meeting established as a result of the solicitation exemptions identified in this subsection. ()

b. Nothing herein shall be construed to abrogate the ability of nonprofit organizations (or other organizations) to educate members of the United States Armed Forces in accordance with Department of Defense Instruction 1344.07 - Personal Commercial Solicitation on Department of Defense Installations or successor directives. ()

c. This rule shall not apply to solicitations or sales involving: ()

i. Credit insurance; ()

ii. Group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund; ()

iii. An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or, when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the commissioner; or, when a term conversion privilege is exercised among corporate affiliates; ()

iv. Individual stand-alone health policies, including disability income policies; ()

v. Contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq.; ()

vi. Life insurance contracts offered through or by a non-profit military association, qualifying under Section 501(c)(23) of the Internal Revenue Code, and which are not underwritten by an insurer; or ()

vii. Contracts used to fund: ()

(a) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA); ()

(b) A plan described by Sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code, as amended, if established or maintained by an employer; ()

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

(c) A government or church plan defined in Section 414 of the Internal Revenue Code, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the Internal Revenue Code; ()

(d) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor; ()

(e) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or ()

(f) Prearranged funeral contracts. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of the chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying in accordance with the public records act. ()

003. ADMINISTRATIVE APPEALS.

All administrative appeals shall be governed by Chapter 2, Title 41, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, chapter 52, Idaho Code, and IDAPA 04.11.01, Idaho Rules of Administrative Procedure of the Attorney General – General Provisions. ()

004. INCORPORATION BY REFERENCE.

There are no records incorporated by reference. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS, STREET ADDRESS AND WEB SITE.

01. **Office Hours.** The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. ()

02. **Mailing Address.** The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. ()

03. **Street Address.** The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043. ()

04. **Web Site Address.** The department's web address is <http://www.doi.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 009. (RESERVED).

010. DEFINITIONS.

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

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PENDING RULE

01. Active Duty. Full-time duty in the active military service of the United States including members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training. The term does not include members of the reserve component who are performing active duty or active duty for training under military calls or orders specifying periods of less than thirty-one (31) calendar days. ()

02. Department of Defense Personnel. All active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense. ()

03. Door to Door. A solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment. ()

04. General Advertisement. An advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer. ()

05. Insurer. An insurance company required to be licensed under the laws of this state to provide life insurance products, including annuities. ()

06. Insurance Producer. A person required to be licensed under the laws of this state to sell, solicit or negotiate life insurance, including annuities. ()

07. Known or Knowingly. Depending on its use herein, the insurance producer or insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the act or practice complained of, that the person solicited: ()

a. Is a service member; or ()

b. Is a service member with a pay grade of E-4 or below. ()

08. Life Insurance. Insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income and unless otherwise specifically excluded, includes individually issued annuities. ()

09. Military Installation. Any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters. ()

10. MyPay. A Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms. ()

11. Service Member. Any active duty officer (commissioned and warrant) or enlisted member of the United States Armed Forces. ()

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

12. Side Fund. A fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement or other mechanism which accumulates premium or deposits with interest or by other means. The term does not include: ()

a. Accumulated value or cash value or secondary guarantees provided by a universal life policy; ()

b. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or ()

c. A premium deposit fund which: ()

i. Contains only premiums paid in advance which accumulate at interest; ()

ii. Imposes no penalty for withdrawal; ()

iii. Does not permit funding beyond future required premiums; ()

iv. Is not marketed or intended as an investment; and ()

v. Does not carry a commission, either paid or calculated. ()

13. Specific Appointment. A prearranged appointment agreed upon by both parties and definite as to place and time. ()

14. United States Armed Forces. All components of the Army, Navy, Air Force, Marine Corps, and Coast Guard. ()

011. PRACTICES DECLARED FALSE, MISLEADING, DECEPTIVE OR UNFAIR ON A MILITARY INSTALLATION.

01. Unfair Practices Regarding Solicitation. The following acts or practices when committed on a military installation by an insurer or insurance producer with respect to the in-person, face-to-face solicitation of life insurance are declared to be false, misleading, deceptive or unfair: ()

a. Knowingly soliciting the purchase of any life insurance product “door to door” or without first establishing a specific appointment for each meeting with the prospective purchaser. ()

b. Soliciting service members in a group or “mass” audience or in a “captive” audience where attendance is not voluntary. ()

c. Knowingly making appointments with or soliciting service members during their normally scheduled duty hours. ()

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

d. Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation. ()

e. Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee. ()

f. Posting unauthorized bulletins, notices or advertisements. ()

g. Failing to present DD Form 2885, *Personal Commercial Solicitation Evaluation*, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885. ()

h. Knowingly accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer's files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by rules, directives or rules of the Department of Defense or any branch of the Armed Forces. ()

02. Corrupt Practices, Improper Influences and Inducements. The following acts or practices when committed on a military installation by an insurer or insurance producer constitute corrupt practices, improper influences or inducements and are declared to be false, misleading, deceptive or unfair: ()

a. Using Department of Defense personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members. ()

b. Using an insurance producer to participate in any United States Armed Forces sponsored education or orientation program. ()

012. PRACTICES DECLARED FALSE, MISLEADING, DECEPTIVE OR UNFAIR REGARDLESS OF LOCATION.

01. Corrupt Practices, Improper Influences and Inducements. The following acts or practices by an insurer or insurance producer constitute corrupt practices, improper influences or inducements and are declared to be false, misleading, deceptive or unfair: ()

a. Submitting, processing or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member's "MyPay" account or other similar internet or electronic medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form. ()

b. Knowingly receiving funds from a service member for the payment of premium

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution: ()

i. Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act, 12 U.S.C. Section 4301 et seq. and the rules promulgated thereunder; and ()

ii. Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums. ()

c. Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in subsection 012.01.b of this rule. ()

d. Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship. ()

e. Using Department of Defense personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members who are junior in rank or grade, or to the family members of such personnel. ()

f. Offering or giving anything of value, directly or indirectly, to Department of Defense personnel to procure their assistance in encouraging, assisting or facilitating the solicitation or sale of life insurance to another service member. ()

g. Knowingly offering or giving anything of value to a service member with a pay grade of E-4 or below for his or her attendance to any event where an application for life insurance is solicited. ()

h. Advising a service member with a pay grade of E-4 or below to change his or her income tax withholding or state of legal residence for the sole purpose of increasing disposable income to purchase life insurance. ()

02. Unfair Practices Regarding Sponsorship, Approval or Affiliation. The following acts or practices by an insurer or insurance producer lead to confusion regarding source, sponsorship, approval or affiliation and are declared to be false, misleading, deceptive or unfair: ()

a. Making any representation, or using any device, title, descriptive name or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, the United States

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Military Sales Practices Rule

Docket No. 18-0103-0701
PENDING RULE

Armed Forces, or any state or federal agency or government entity. Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant" or "Veteran's Benefits Counselor." Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science In Financial Services (MSFS), or Masters of Science Financial Planning (MS). ()

b. Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer or insurance product is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, or the United States Armed Forces. ()

03. Unfair Practices Regarding Costs or Returns. The following acts or practices by an insurer or insurance producer lead to confusion regarding premiums, costs or investment returns and are declared to be false, misleading, deceptive or unfair: ()

a. Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid. ()

b. Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free." ()

04. Unfair Practices Regarding SGLI or VGLI. The following acts or practices by an insurer or insurance producer regarding SGLI or VGLI are declared to be false, misleading, deceptive or unfair: ()

a. Making any representation regarding the availability, suitability, amount, cost, exclusions or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading or deceptive. ()

b. Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers which is false, misleading or deceptive. ()

c. Suggesting, recommending or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces. ()

05. Unfair Practices Regarding Disclosure. The following acts or practices by an insurer and or insurance producer regarding disclosure are declared to be false, misleading, deceptive or unfair: ()

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a. Deploying, using or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance. ()

b. Failing to disclose that a solicitation for the sale of life insurance will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser. ()

c. Excluding individually issued annuities, failing to clearly and conspicuously disclose the fact that the product being sold is life insurance. ()

d. Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16. ()

e. Excluding individually issued annuities, when the sale is conducted in-person face-to-face with an individual known to be a service member, failing to provide the applicant at the time the application is taken: ()

i. An explanation of any free look period with instructions on how to cancel if a policy is issued; and ()

ii. Either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance, the death benefit applied for and its expected first year cost. ()

06. Unfair Sales Practices Regarding Certain Life Insurance Products. The following acts or practices by an insurer or insurance producer with respect to the sale of certain life insurance products are declared to be false, misleading, deceptive or unfair: ()

a. Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member in pay grades E-4 and below unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable. ()

b. Offering for sale or selling a life insurance product which includes a side fund to a service member in pay grades E-4 and below who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance. ()

i. "Insurable needs" are the risks associated with premature death taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and/or survivors or dependents. ()

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ii. “Other military survivor benefits” include, but are not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents’ Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits. ()

c. Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund: ()

i. Unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty; ()

ii. Unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one (1) to ten (10) and for every fifth policy year thereafter ending at age 100, policy maturity or final expiration; and ()

iii. Which by default diverts or transfers funds accumulated in the side fund to pay, reduce or offset any premiums due. ()

d. Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance. ()

e. Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured’s death is related to war, declared or undeclared, or any act related to military service except for an accidental death coverage, *e.g.*, double indemnity, which may be excluded. ()

013. SEVERABILITY.

If any provision of these sections or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these sections which can be given effect without the invalid provisions or application. To this end all provisions of these sections are declared to be severable. ()

014. EFFECTIVE DATE.

This rule shall become effective September 5, 2007 and shall apply to acts or practices committed on or after the effective date. ()

015. -- 999. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.06 - RULE TO IMPLEMENT UNIFORM COVERAGE FOR NEWBORN AND NEWLY ADOPTED CHILDREN

DOCKET NO. 18-0106-0601 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 41-211 Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 115 through 118.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joan Krosch, Idaho Department of Insurance, at 208/334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Uniform Coverage for Newborn and Newly Adopted Children

Docket No. 18-0106-0601
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 41, Chapters 2 and 13, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency on or before August 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking creates a new rule clarifying requirements for providing coverage to newborn and newly adopted children. It defines what constitutes a congenital anomaly that must be covered under insurance policies, explains the extent to which congenital anomalies must be covered and sets forth period for payment of premium to secure coverage of a newborn or newly adopted child.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges being imposed through this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Negotiated rule was published in the June 7, 2007 Administrative Bulletin, Volume 07-6, page 106.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joan Krosch at (208) 334-4300.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 29th day of June, 2007.

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Uniform Coverage for Newborn and Newly Adopted Children

Docket No. 18-0106-0601
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 18 TITLE 01 CHAPTER 06

18.01.06 - RULE TO IMPLEMENT UNIFORM COVERAGE FOR NEWBORN AND NEWLY ADOPTED CHILDREN

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority vested in the Director under Title 41, Chapter 2, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This Rule shall be cited in full as Idaho Department of Insurance Rule IDAPA 18.01.06, "Rule to Implement Uniform Coverage for Newborn and Newly Adopted Children." ()

02. Scope. This rule sets forth uniform requirements to be followed by health plans providing coverage to newborn and newly adopted children in accordance with Sections 41-2140, 41-2210, 41-3437, 41-3923, 41-4023 and 41-4123, Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of the chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying at cost in the main office and each regional or district office of this agency. ()

003. ADMINISTRATIVE APPEALS.

All administrative appeals shall be governed by Chapter 2, Title 41, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS, STREET ADDRESS AND WEB SITE.

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Uniform Coverage for Newborn and Newly Adopted Children

Docket No. 18-0106-0601
PENDING RULE

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. ()

02. Mailing Address. The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. ()

03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043. ()

04. Web Site Address. The department's web address is <http://www.doi.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter the following terms shall have the following meanings. ()

01. Congenital Anomaly. "Congenital anomaly" means a condition existing at or from birth that is a significant deviation from the common form or function of the body, whether caused by a hereditary or developmental defect or disease. For the purposes of this chapter, the term significant deviation is defined to be a deviation which impairs the function of the body and includes but is not limited to the conditions of cleft lip, cleft palate, webbed fingers or toes, sixth toes or fingers, or defects of metabolism and other conditions that are medically diagnosed to be congenital anomalies. ()

02. Health Plan. "Health plan" means any type of benefit plan or contract of coverage that is subject to the requirements of Sections 41-2140, 41-2210, 41-3437, 41-3923, 41-4023 or 41-4123, Idaho Code. ()

03. Health Plan Member. "Health plan member" means a person entitled to benefits as a member, subscriber or insured under a health plan and who, under the terms of the health plan contract, may add dependents for coverage under the health plan. ()

04. Newborn Child. "Newborn child" means: ()

a. A child born to a health plan member and added to the health plan as a newborn dependent in accordance with the terms of the health plan contract; or ()

b. An adopted newborn child placed with the adopting health plan member within sixty (60) days of birth and added to the adopting health plan member's health plan as a newborn dependent in accordance with the terms of the health plan contract. ()

05. Newly Adopted Child. "Newly adopted child" means a child under the age of 18 who is placed with the adopting health plan member more than sixty (60) days after the child's

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DEPARTMENT OF INSURANCE Uniform Coverage for Newborn and Newly Adopted Children

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PENDING RULE

birth and added to the adopting health plan member's health plan as a dependent in accordance with the terms of the health plan contract. ()

06. Placed. "Placed" means physical placement in the care of the adopting health plan member. If physical placement is prevented due to the medical needs of the child, "placed" means the date the adopting health plan member signs an agreement for adoption of the child and assumes financial responsibility for the child. ()

011. COVERAGE REQUIREMENTS.

01. Coverage of Newborn and Newly Adopted Children. A health plan subject to this chapter shall provide coverage to: ()

a. A newborn child of a health plan member from the moment of birth; or ()

b. A newly adopted child of a health plan member from the date the child is placed with the adopting health plan member. ()

02. Coverage Requirements. Coverage of newborn and newly adopted children shall be at least equivalent to the coverage afforded other health plan members under the health plan and shall also include, but not be limited to, coverage for the medically necessary care and treatment of congenital anomalies. ()

03. Pre-Existing Conditions. A health plan may not apply a pre-existing condition exclusion to a newborn or newly adopted child. ()

04. Cosmetic Surgery. A health plan may not exclude as cosmetic surgery reconstructive surgery for congenital anomalies of a covered dependent child entitled to congenital anomaly coverage under this chapter. ()

05. Limitations on Coverage for Congenital Anomalies. A health plan may apply exclusions, requirements or benefit limitations, including cost sharing requirements, to coverage for congenital anomalies that are consistent with the requirements of this rule and no more restrictive than exclusions, requirements or benefit limitations applied to coverage for similar treatments, conditions and services provided under the health plan. ()

012. NOTIFICATION AND PAYMENT REQUIREMENTS.

01. Notification and Payment. ()

a. If notice and payment of additional premium are required for dependent coverage under the health plan contract, the contract may require notice of birth, placement or adoption and payment of required premium as a condition of coverage for newborn and newly adopted children. The notification period shall be not less than sixty (60) days from the date of birth for a newborn child or, for newly adopted children, sixty (60) days from the earlier of the date of adoption or placement for adoption. The due date for payment of any additional premium, if required, shall be not less than thirty-one (31) days following receipt by the health plan member of a billing for the required premium. ()

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Uniform Coverage for Newborn and Newly Adopted Children

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b. All requirements for notice and payment of premium applied by the health plan for the enrollment of newborn or newly adopted children shall be clearly set forth in the health plan contract and provided to the health plan members in a manner reasonably calculated to provide notice to the members of the requirements. ()

c. If the health plan member fails to provide the required notification, or make the required premium payment, the health plan may decline to enroll a dependent child as a newborn or newly adopted child, but shall treat a newborn or newly adopted child no less favorably than it treats other applicants who seek coverage at a time other than when the applicant was first eligible to apply for coverage. ()

013. PORTABILITY.

The coverage provided by this chapter applies to any subsequent health plan that is issued providing coverage to the newborn or newly adopted child. If there is a break in coverage that exceeds sixty-three (63) days, the health plan may treat a congenital anomaly as a pre-existing condition and apply pre-existing condition exclusions as allowed under the applicable state and federal laws. ()

014. -- 999. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.50 - ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE

DOCKET NO. 18-0150-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 41-211 and 41-253, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 23 through 26.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark A. Larson, Idaho State Fire Marshal, at 208-334-4370.

DATED this 23rd day of November, 2007.

Mark A. Larson, State Fire Marshal
Idaho Department of Insurance
700 W. State Street – 3rd Floor, Boise ID 83720
P.O Box 83720, Boise ID 83720
Phone: (208)334-4370 / Fax: (208) 334-4375

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Adoption of the 2003 International Fire Code

Docket No. 18-0150-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 3, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 41-211 and 41-253, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2006 edition of the International Fire Code is a companion document to the 2006 edition of the International Building Code as adopted by the state of Idaho, Building Bureau, under other statutory authority. The adoption of this edition provides, by statute, a minimum standard for the protection of life and property from fire and explosion for the state of Idaho.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 41-253, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The building code 2006 edition is already in effect for the state. This temporary rule permits a seamless transition for the application of current code requirements for buildings across the state and will benefit the public by assuring consistency between the Building Code and Fire Code applicable in Idaho.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not feasible due to the urgency needed to adopt the temporary rule because of its companion relationship to the adopted building code. The rule merely adopts an updated edition of an existing code without substantive change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Adoption of the 2003 International Fire Code

Docket No. 18-0150-0701
PENDING RULE

COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Mark A. Larson, Idaho State Fire Marshal, at 208-334-4370.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 9th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

18.01.50 - ADOPTION OF THE 2003~~6~~ INTERNATIONAL FIRE CODE

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 18.01.50, Rules of the Idaho Department of Insurance, Title 01, Chapter 50, "Adoption of the 2003~~6~~ International Fire Code." (4-6-05)(____)

02. Scope. Pursuant to the authority provided by Section 41-253, Idaho Code, the Idaho Fire Marshal hereby adopts the 2003~~6~~ edition of the International Fire Code *in order to provide uniformity in the plan review process for state owned and maintained buildings and to maintain consistency and conformity with the International Building Code as the minimum standard for the protection of life and property from fire and explosion for the state of Idaho.* (4-6-05)(____)

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

01. 2003~~6~~ International Fire Code. In accordance with Section 67-5229, Idaho Code, and pursuant to the authority provided by Section 41-253, Idaho Code, the Idaho Fire Marshal hereby adopts the 2003~~6~~ edition of the International Fire Code as published by the International Code Council with the following revisions, additions, deletions and appendixes. (4-6-05)(____)

02. Availability of Referenced Material. Copies of the 2003~~6~~ edition of the International Fire Code are available for public inspection at the office of the State Fire Marshal, the State Law Library, and the State Legislative Council. Copies of the 2003~~6~~ International Fire Code may be procured by writing the International Code Council, Northwest Resource Center, 2122 112th Ave NE, Suite C, Bellevue, WA 98004. (4-6-05)(____)

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Adoption of the 2003 International Fire Code

Docket No. 18-0150-0701
PENDING RULE

(BREAK IN CONTINUITY OF SECTIONS)

016. PERMIT REQUIRED, SECTION 105.81.1, INTERNATIONAL FIRE CODE.

A permit, if required by the local jurisdiction, shall be obtained from the designated official prior to engaging in activities requiring a permit within the local jurisdiction. (5-3-03)(____)

017. VIOLATION PENALTIES, SECTION 109.3, INTERNATIONAL FIRE CODE.

In Section 109.3, Violation Penalties, International Fire Code, delete *everything after the phrase* the sentence that includes “shall be guilty of a,” and replace with the word “misdemeanor.” (5-3-03)(____)

(BREAK IN CONTINUITY OF SECTIONS)

047. -- 0501. (RESERVED).

~~051. TREATMENT SYSTEMS, SECTION 3704.2.2.7, INTERNATIONAL FIRE CODE.~~

~~Add to Section 3704.2.2.7, International Fire Code, the following paragraph: Upon approval of the Chief, emergency response kits recommended by the Chlorine Institute may be used for chlorine gas product leaks in lieu of the treatment system requirements of this section, as long as there are adequate responders immediately available, who are trained in their use and acceptable to the Chief.~~ (5-3-03)

052. REFERENCED STANDARDS, CHAPTER 45, INTERNATIONAL FIRE CODE.

Beginning on Page 36587, of the NFPA Referenced Standards, make the following changes to the referenced listed editions:

Delete	Add	Delete	Add	Delete	Add
10-98 10-2002	10-2002 10-2007	51-97 51-2002	51-2002 51-2007	407-96 407-2001	407-2001 407-2007
11-98 11-2002	11-2002 11-2005	52-98 52-2002	52-2002 52-2006	430-95 430-2000	430-2000 430-2004
12A-97	12A-2004	57-99	57-2002	480-98	484-2002
13-99 13-2002	13-2002 13-2007	58-2001	58-2004	481-2000	484-2002
13D-99 13D-2002	13D-2002 13D-2007	61-99	61-2002	482-96 484-2002	484-2002 484-2006
13R-99 13R-2002	13R-2002 13R-2007	69-97	69-2002	490-98	490-2002

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Adoption of the 2003 International Fire Code

Docket No. 18-0150-0701
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Delete	Add	Delete	Add	Delete	Add
14-2000 14-2003	14-2003 14-2007	72-99 72-2002	72-2002 72-2007	495-96 495-2001	495-2001 495-2006
15-96 <u>15-2001</u>	15-2001 <u>15-2007</u>	85-2001 85-2004	85-2004 85-2007	498-96 498-2001	498-2001 498-2006
16-99 16-2003	16-2003 16-2007	86-99 86-2003	86-2003 86-2007	505-99 505-2002	505-2002 505-2006
17-98	17-2002	99-99 99-2002	99-2002 99-2005	650-98	654-2000
17A-98	17A-2002	101-2000 101-2003	101-2003 101-2006	651-98 654-2000	654-2000 654-2006
20-99 <u>20-2003</u>	20-2003 20-2007	110-99 110-2002	110-2002 110-2005	655-93 655-2001	655-2001 655-2007
22-98	22-2003	211-2000	211-2003	664-98 664-2002	664-2002 664-2007
24-95	24-2003	231-98	230-2003	704-96 704-2001	704-2001 704-2007
25-98	25-2002	231C-98	230-2003	750-2000 750-2003	750-2003 750-2006
30-2000	30-2003	231D-98	230-2003	1122-97	1125-2001
30A-2000	30A-2003	260-98	260-2003	1123-2000	1126-2001
30B-98 30B-2002	30B-2002 30B-2007	261-98	261-2003	1124-98 1124-2003	1124-2003 1124-2006
33-2000 33-2003	33-2003 33-2007	265-98 265-2002	265-2002 265-2007	1125-95 <u>1125-2001</u>	1125-2001 <u>1125-2007</u>
34-2000 34-2003	34-2003 34-2007	266-98	272-2003	1127-98	1127-2002
40-97 40-2001	40-2001 40-2007	267-98 <u>120-1999</u>	272-2003 <u>120-2004</u>	2001-2000 <u>1123-2000</u>	2001-2004 <u>1123-2006</u>
<u>12-2000</u>	<u>12-2005</u>	<u>160-2001</u>	<u>160-2001</u>	<u>1126-2001</u>	<u>1126-2006</u>
<u>24-2002</u>	<u>24-2007</u>	<u>241-2000</u>	<u>241-2004</u>	<u>31-2001</u>	<u>31-2006</u>
<u>35-1999</u>	<u>35-2005</u>	<u>286-2000</u>	<u>286-2006</u>	<u>32-2000</u>	<u>32-2007</u>
<u>51A-2001</u>	<u>51A-2006</u>	<u>303-2000</u>	<u>303-2006</u>	<u>701-1999</u>	<u>701-2004</u>
<u>59A-2001</u>	<u>59A-2006</u>	<u>385-2000</u>	<u>385-2007</u>	<u>703-2000</u>	<u>703-2006</u>
<u>80-1999</u>	<u>80-2007</u>	<u>409-2001</u>	<u>409-2004</u>	<u>267-98</u>	<u>272-2003</u>
<u>92B-2005</u>	<u>92A-2006</u>	<u>484-2002</u>	<u>484-2006</u>	<u>111-2001</u>	<u>111-2005</u>
				<u>2001-2000</u>	<u>2001-2004</u>

(4-6-05)()

053. -- 055. (RESERVED).

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Adoption of the 2003 International Fire Code

Docket No. 18-0150-0701
PENDING RULE

056. REFERENCES TO APPENDIX, INTERNATIONAL FIRE CODE.

When this code references the appendix, the provisions of the appendix shall not apply unless specifically incorporated by reference. The following appendixes of the International Fire Code are incorporated by reference: (5-3-03)

01. Appendix B, Fire Flow Requirements for Buildings. (5-3-03)
02. Appendix C, Fire Hydrant Location and Distribution. (5-3-03)
03. Appendix D, Fire Apparatus Access Roads. ~~D107.1 One or two family dwelling residential developments. Exceptions: Item 1. In the first sentence delete the word "fewer" and add the word "more."~~ (4-6-05)(____)
04. Appendix E, Hazard Categories. (5-3-03)
05. Appendix F, Hazard Rankings. (5-3-03)

HOUSE BUSINESS COMMITTEE

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.60 - LONG-TERM CARE INSURANCE MINIMUM STANDARDS

DOCKET NO. 18-0160-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages, 31 through 34.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joan Krosch at (208) 334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE
Long-Term Care Insurance Minimum Standards

Docket No. 18-0160-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 41-211.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking amends IDAPA 18.01.60.027 by removing ambiguous language and clarifying training requirements for insurance producers selling long term care insurance policies that qualify for Idaho's Long Term Care Insurance Partnership Program.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes simply clarify existing requirements and do not impose any new training requirements for producers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joan Krosch at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 14th day of August, 2007.

HOUSE BUSINESS COMMITTEE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

027. STANDARDS FOR MARKETING AND PRODUCER TRAINING.

01. General Provisions. Every Insurer, Fraternal Benefit Society, Managed Care Organization or other similar organization marketing long-term care insurance coverage in this state, directly or through its producers, shall: (3-30-07)

a. Establish marketing procedures and producer training requirements to assure that any marketing activities, including any comparison of policies by its producers will be fair and accurate. (3-30-07)

b. Establish marketing procedures to assure excessive insurance is not sold or issued. (4-5-00)

c. Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following: "Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations." (4-5-00)

d. Provide copies of the disclosure forms required in Subsection 009.10. (3-30-01)

e. Provide an explanation of contingent benefit upon lapse as provided for in Subsection 032.04.b. and if applicable, the additional contingent benefit upon lapse provided to policies with fixed or limited premium paying period in Subsection 032.04.c. (3-30-07)

f. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of any such insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required. (4-5-00)

g. Establish auditable procedures for verifying compliance with Subsection 027.01. (3-30-07)

h. At solicitation, provide written notice to the prospective policyholder and certificate holder that Senior Health Insurance Benefits Advisors/SHIBA the program is available and the name, address and telephone number of the program. (3-30-01)

i. For long-term care insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to Subsection 011.01.c. of this chapter. (3-30-07)

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE Long-Term Care Insurance Minimum Standards

Docket No. 18-0160-0701
PENDING RULE

02. Prohibited Practices. In addition to the practices prohibited in Chapter 13, Title 41, Idaho Code, Trade Practices and Frauds, the following acts and practices are prohibited:
(3-30-01)

a. Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy, or to take out a policy of insurance with another insurer.
(4-5-00)

b. High Pressure Tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.
(4-5-00)

c. Cold Lead Advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.
(3-30-07)

d. Misrepresentation. Misrepresenting a material fact in selling or offering to sell a long-term care insurance policy.
(4-5-00)

03. Associations. With respect to the obligations set forth in Subsection 027.03, the primary responsibility of an association, as defined in Section 41-4603(4)(b), Idaho Code, when endorsing or selling long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations shall provide objective information regarding long-term care insurance policies or certificates endorsed or sold by such associations to ensure that members of such associations receive a balanced and complete explanation of the features in the policies or certificates that are being endorsed or sold.
(3-30-07)

a. The insurer shall file with the insurance department the following material:
(4-5-00)

i. The policy and certificate;
(4-5-00)

ii. A corresponding outline of coverage; and
(4-5-00)

iii. All advertisements to be utilized.
(4-5-00)

b. The association shall disclose in any long-term care insurance solicitation:
(4-5-00)

i. The specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from endorsement or sale of the policy or certificate to its members; and
(4-5-00)

ii. A brief description of the process under which the policies and the insurer issuing

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the policies were selected. (4-5-00)

c. If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members. (4-5-00)

d. The board of directors of associations selling or endorsing long-term care insurance policies or certificates shall review and approve the insurance policies as well as the compensation arrangements made with the insurer. (4-5-00)

e. The association shall also: (4-5-00)

i. At the time of the association's decision to endorse, engage the services of a person with expertise in long-term care insurance not affiliated with the insurer to conduct an examination of the policies, including its benefits, features, and rates, and update the examination thereafter in the event of material change; (4-5-00)

ii. Actively monitor the marketing efforts of the insurer and its producers; and (3-30-07)

iii. Review and approve all marketing materials or other insurance communications used to promote sales or sent to members regarding the policies or certificates. (4-5-00)

iv. Subsections 027.03.e.i. through 027.03.e.iii. shall not apply to qualified long-term care insurance contracts. (3-30-07)

f. No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with the state insurance department the information required in Section 027. (3-30-07)

g. The insurer shall not issue a long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in Section 027. (3-30-07)

h. Failure to comply with the filing and certification requirements of Section 027 constitutes an unfair trade practice in violation of Chapter 13, Title 41, Idaho Code, Trade Practices and Frauds. (3-30-07)

04. Producer Training Requirements. An individual may not sell, solicit or negotiate long-term care insurance unless the individual is licensed as an insurance producer for life and disability (accident and health insurance) and has completed a one-time training course ~~by or before November 1, 2007,~~ and ongoing training every twenty-four (24) months thereafter. The training shall meet the requirements set forth in this Subsection 027.04. Such training requirements may be approved as continuing education course under IDAPA 18.01.53 "Continuing Education." (3-30-07)()

a. The one-time training course required by this section shall be no less than eight (8) hours; ~~and~~ In addition to the one-time training course, an individual who sells, solicits, or negotiates long-term care insurance shall complete the ongoing training required by this

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Long-Term Care Insurance Minimum Standards**Docket No. 18-0160-0701**
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Subsection 027.04, which shall be no less than four (4) hours every 24 months. ~~(3-30-07)~~()

b. The training required under Subsection 027.04.a. shall consist of topics related to long-term care insurance, long-term care services and qualified state long-term care insurance partnership program, including, but not limited to: (3-30-07)

i. State and federal regulations and requirements and the relationship between qualified state long-term care insurance partnership programs and other public and private coverage of long-term care services, including Medicaid; (3-30-07)

ii. Available long-term care services and providers; (3-30-07)

iii. Changes or improvements in long-term care services or providers; (3-30-07)

iv. Alternatives to the purchase of private long-term care insurance; (3-30-07)

v. The effect of inflation on benefits and the importance of inflation protection; and (3-30-07)

vi. Consumer suitability standards and guidelines. (3-30-07)

c. The training required by Subsection 027.04. shall not include any sales or marketing information, materials, or training, other than those required by state and federal law. (3-30-07)

d. Insurers subject to this rule shall obtain verification that a producer receives training required by Subsection 027.04 before a producer is permitted to sell, solicit or negotiate the insurer's long-term care insurance products, maintain records subject to the state's record retention requirements, and make that verification available to the director upon request. An insurer shall maintain records with respect to the training of its producers concerning the distribution of its long-term care Partnership policies that will allow the Department of Insurance to provide assurance to the Division of Medicaid that the producers have received the training as required by Subsection 027.04 and that producers have demonstrated an understanding of the Partnership policies and their relationship to public and private coverage of long term care including Medicaid in this state. These records shall be maintained in accordance with the state's record retention requirements and shall be made available to the director upon request. (3-30-07)

e. The satisfaction of these training requirements in any state shall be deemed to satisfy the training requirements of this state. (3-30-07)

HOUSE BUSINESS COMMITTEE

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.79 - RECOGNITION OF PREFERRED MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

DOCKET NO. 18-0179-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-612, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 203 through 206.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Martha Smith, Senior Financial Examiner, Idaho Department of Insurance, at 208/334-4315 or Martha.Hopper@doi.idaho.gov.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, ID 83720-0043
208-334-4250 / 208-334-4398 (Fax)

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE**Recognition of Preferred Mortality Tables/Minimum Reserve Liabilities****Docket No. 18-0179-0701****PENDING RULE**

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 41-211 and 41-612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule adopts actuarially developed mortality tables that will allow insurers to set reserves more accurately for more favorable risks. Insurers may elect whether or not to use the new tables.

The proposed rulemaking is based on a model law recently developed by the National Association of Insurance Commissioners in conjunction with the insurance industry. This rule allows insurers, at their option, to set reserves for life insurance policies using the newly developed 2001 CSO Preferred Class Structure Mortality Tables which more accurately reflect differences in mortality between preferred and standard risks. Most states are allowing insurers to use these tables for policies issued on or after January 1, 2007 for reserve valuations.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule confers a benefit to the insurance industry by permitting lower reserves to be held where risk is determined to be less in the preferred class. Lower reserve requirements should result in lower premiums for affected policies and confer a benefit on Idaho consumers who purchase these types of policies. By adopting the rule with a January 1, 2007 effective date, insurers will be able to use the new reserve table for their 2007 calendar year reporting and Idaho consumers will be able to benefit to the same extent as consumers in other states that have adopted the rule.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE**Recognition of Preferred Mortality Tables/Minimum Reserve Liabilities****Docket No. 18-0179-0701****PENDING RULE**

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because known interested parties were afforded the opportunity for input during drafting of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Martha H. Smith, 208/334-4315, Martha.hopper @doi.idaho.gov.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 25th day of July, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

**IDAPA 18
TITLE 01
CHAPTER 79**

**18.01.79 - RECOGNITION OF PREFERRED MORTALITY TABLES FOR USE
IN DETERMINING MINIMUM RESERVE LIABILITIES**

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority granted by Sections 41-211 and 41-612, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 18.01.79, "Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities." ()

02. Scope. The purpose of this rule is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities in accordance with Sections 41-612(4)(a)(iii), Idaho Code, and IDAPA 18.01.47, "Valuation of Life Insurance Policies Including the Introduction and

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE

Recognition of Preferred Mortality Tables/Minimum Reserve Liabilities

Docket No. 18-0179-0701

PENDING RULE

Use of New Select Mortality Factors,” Subsections 005.01 and 005.02. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of the chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying in accordance with the public records act. ()

003. ADMINISTRATIVE APPEALS.

All administrative appeals shall be governed by Chapter 2, Title 41, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

The Director of the Department of Insurance adopts by reference the 2001 CSO Preferred Class Mortality Tables. The tables are available on the Society of Actuaries website at <http://www.soa.org/research/individual-life/intl-2001-cso-preferred-class-structure-mortality-tables.aspx>. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS, STREET ADDRESS AND WEB SITE.

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. ()

02. Mailing Address. The department’s mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. ()

03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043. ()

04. Web Site Address. The department’s web address is <http://www.doi.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. 2001 CSO Mortality Table. That mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National Association of Insurance Commissioners (“NAIC”) in December 2002. The 2001 CSO Mortality Table is included in the “Proceedings of the NAIC (2nd Quarter 2002)” and supplemented by the 2001

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE**Recognition of Preferred Mortality Tables/Minimum Reserve Liabilities****Docket No. 18-0179-0701****PENDING RULE**

CSO Preferred Class Structure Mortality Table defined below in Subsection 010.02. Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following: ()

a. 2001 CSO Mortality Table (F). Mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table. ()

b. 2001 CSO Mortality Table (M). Mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table. ()

c. Composite Mortality Tables. Mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers. ()

d. Smoker and Nonsmoker Mortality Tables. Mortality tables with separate rates of mortality for smokers and nonsmokers. ()

02. 2001 CSO Preferred Class Structure Mortality Table. Those mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as adopted by the NAIC at the September 2006 national meeting and published in the “NAIC Proceedings (3rd Quarter 2006).” Unless the context indicates otherwise, the “2001 CSO Preferred Class Structure Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table. ()

03. Statistical Agent. An entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner. ()

011. 2001 CSO PREFERRED CLASS STRUCTURE TABLE.

At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this regulation, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of IDAPA 18.01.59, “Recognition of the 2001 CSO Mortality Table For Use In Determining Minimum Reserve Liabilities And Nonforfeiture Benefits.” ()

HOUSE BUSINESS COMMITTEE

DEPARTMENT OF INSURANCE

Recognition of Preferred Mortality Tables/Minimum Reserve Liabilities

Docket No. 18-0179-0701

PENDING RULE

012. CONDITIONS.

01. Preferred Nonsmoker and Residual Standard Nonsmoker Tables. For each plan of insurance with separate rates for Preferred and Standard Nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker tables to substitute for the Nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:

()

a. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

()

b. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

()

02. Preferred Smoker and Residual Standard Smoker Tables. For each plan of insurance with separate rates for Preferred and Standard Smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker tables to substitute for the Smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:

()

a. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table corresponding to the valuation table being used for that class.

()

b. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table.

()

03. Unless Exempted By the Director. Every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the director, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the director, statistical reports showing mortality and such other information as the director may deem necessary or expedient for the administration of the provisions of this regulation. The form of the reports shall be established by the director or the director may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the director.

()

013. -- 999. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 24 - IDAHO BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-831, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 109 through 118.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220, Boise, ID 83709
(208) 334-3233 phone / (208) 334-3945 fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Rules of the Idaho Board of Cosmetology

Docket No. 24-0401-0701
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-831, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Allow degrees to be considered as equivalency in lieu of high school education, define examination, change references to the examination to allow for a third party examination administrator including deadline, model requirements, eligibility for reexamination, correct limitation on clinical services from hour requirement to percentage to comply with statute.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes are necessary to allow third party examination administrator and clean up language to comply with statute.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 20th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

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BUREAU OF OCCUPATIONAL LICENSES **Rules of the Idaho Board of Cosmetology**

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010. DEFINITIONS (RULE 10).

These rules expressly adopt all definitions set forth in Section 54-802, Idaho Code, in addition to the following: (3-30-01)

- 01. Gender.** Any reference to a gender shall mean both masculine and feminine. (7-1-97)
- 02. Board.** The Idaho Board of Cosmetology as prescribed in Section 54-802, Idaho Code. (7-1-97)
- 03. Bureau.** The Bureau of Occupational Licenses, as prescribed in Section 54-828 and Section 67-2602, Idaho Code. (3-8-02)
- 04. Chief.** The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-97)
- 05. Current License.** An unexpired license in good standing. (7-1-97)
- 06. Establishment.** A licensed cosmetological establishment. (7-1-97)
- 07. Record of Instruction.** The final documentation of total hours and operations completed by a student that is maintained by a school or, in the case of an apprentice, the instructor. (3-30-01)
- 08. Certificate of Graduation.** A signed, notarized statement from a school or, in the case of an apprentice, the instructor, which indicates that the student has fulfilled all requirements of that school or apprenticeship and is eligible for examination. (7-1-97)
- 09. Rules.** The rules of the Board. (7-1-97)
- 10. School.** A licensed school of cosmetology. (7-1-97)
- 11. School of Electrology.** A licensed school of cosmetology approved to teach electrology. (3-30-01)
- 12. Endorsement Certification.** In accordance with Section 54-812, Idaho Code. (7-1-97)
- 13. Hospital Grade.** Hospital grade means a disinfecting agent registered by the Environmental Protection Agency as an effective germicidal/bactericidal, fungicidal, and virucidal disinfectant or any other equivalent agent that effectively frees instruments from infectious or otherwise harmful microorganisms. Such agents must be used in accordance with the manufacturer's instructions. (3-19-07)
- 14. First-Aid Kit.** First-aid kit means a packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze, which may be used for cleaning and protecting blood spills and other minor emergency traumas of

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the human body. (3-30-01)

15. Patron. Patron means any person who receives the services of anyone licensed or otherwise regulated by the provisions of Chapter 8, Title 54, Idaho Code. (3-19-07)

16. Examination. The examination approved by the board is the National Interstate Council of State Boards of Cosmetology examination. The examination shall consist of practical examination, theory examination and jurisprudence examination. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. APPLICATIONS (RULE 200).

01. Application for License by Examination. Application for license by examination shall be made on forms furnished by the Board. (3-8-02)

a. Applicant. Each applicant for licensure by examination shall be required to submit to the Board an application and the required fees. (3-8-02)

b. Records. The school or apprenticeship instructor shall submit the following directly to the Board: (3-8-02)

i. The record of instruction; (3-8-02)

ii. A signed and notarized certificate of graduation; (3-8-02)

iii. Proof of the required high school education (pursuant to Section 54-805, Idaho Code) or equivalent; and (3-8-02)

iv. Acceptable verification of applicants age upon registration as a student or apprentice. (3-8-02)

02. Applications Must Be Complete to Be Accepted. Applications shall not be considered complete and accepted until all required information, documents, and fees are received by the Board. (3-8-02)

03. Examination. Proof of successful passage of a practical and written examination as approved by the Board. ()

034. Out of State Applicants. (3-8-02)

a. Applicants not completing their instruction in Idaho and currently licensed in another state, territory, possession or country, must also document their other licensure and provide verification of practical experience, in addition to the required application and fees.

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(3-8-02)

b. Applicants not currently licensed in another state, territory, possession or country must provide certified documentation of all instruction received. Records of instruction must be received by the Board directly from the applicable regulatory agency or the facility that provided the instruction. (3-8-02)

~~04. **Deadline Date for Filing.** An application must be fully completed, in accordance with Rule 200, before an applicant is eligible for examination. The application and fees must be received by the Board at least thirty (30) days prior to the date of examination. All other required records must be received by the Board at least fourteen (14) days prior to the date of examination. Those applicants whose applications or fees or records are not received in accordance with the deadlines will be scheduled for the next subsequent examination. Those applicants who fail any portion of the examination on their first attempt may submit an application with the required fee for re-examination, and if said application and fee is received by the board office prior to the next scheduled examination, the thirty (30) day application deadline shall be waived.~~ (3-8-02)

201. -- 249. (RESERVED).

250. ESTABLISHING EQUIVALENCY IN LIEU OF THE REQUIRED HIGH SCHOOL EDUCATION (RULE 250).

The Board will accept the following tests and degrees as being equivalent in lieu of the required high school education (pursuant to Section 54-805, Idaho Code). (3-30-01)()

01. **GED Test.** The General Educational Development (G.E.D.) Tests approved by the Department of Education, when an applicant receives an average cutting score of not less than forty-five (45), with no category below a cutting score of forty (40). (3-30-01)

02. **Equivalent Test.** Any test approved by the Department of Education to establish education equivalency shall be approved by the Board when an applicant receives a score approved by the Department of Education as meeting the equivalency requirement. (5-3-03)

03. **Degrees.** An associates, bachelors, or graduate degree from an accredited college or university. ()

(BREAK IN CONTINUITY OF SECTIONS)

400. REQUIREMENTS FOR LICENSURE BY EXAMINATION - GENERAL. (RULE 400).

01. **Requirements.** Applicants for license by examination must complete an application (Refer to Rule 200) and file it with the Board, along with proof of successfully passing the approved examination with a score of at least seventy-five percent (75%) and a completed certificate of graduation submitted to the Board by the school. (7-1-97)()

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02. If Applicant Is From Another State. If applicant is from another state, territory, possession, or country, and is ineligible for license by endorsement, proof of having a current license in good standing and instruction equivalent to the foregoing requirements must be submitted to the Board (Refer to Rule 200). (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

450. EXAMINATIONS - GENERAL (RULE 450).

Examination for licensure shall consist of both a practical and written examination for each of those disciplines included in Chapter 8, Title 54, Idaho Code. (5-3-03)

01. Dates and Places. (7-1-97)

a. Examinations for licensure are to be held at the discretion of the Board. (7-1-97)

b. The dates and places of examination will be published annually. (7-1-97)

02. Written Examination. The written examination consists of two (2) parts: theory and Idaho jurisprudence. (7-1-97)

a. The Idaho jurisprudence examination will be a comprehensive written examination that will include Chapter 8, Title 54, Idaho Code and these rules. (5-3-03)

b. The theory examination will be the national examination provided by the National Interstate Council of State Boards of Cosmetology (NIC). (5-3-03)

~~i. The theory examination for cosmetology will include all phases of the art of cosmetology, hair dressing, manicuring and pedicuring, facial massage, and sanitation. (5-3-03)~~

~~ii. The theory examination for electrology will cover all phases of the art of electrology and sanitation. (5-3-03)~~

~~iii. The theory examination for esthetics will cover all phases of the art of skin care and sanitation. (5-3-03)~~

~~iv. The theory examination for nail technology will cover all phases of the art of manicuring, artificial nails, and sanitation. (5-3-03)~~

~~v. The theory examination for haircutter will cover all phases of the art of haircutting and sanitation. (3-19-07)~~

~~vi. The theory examination for an instructor will cover all phases of the applicant's ability to teach cosmetology, nail technology, esthetics or electrology, and sanitation. (5-3-03)~~

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03. The Practical Examination. The practical examination will be the NIC examination specific to the discipline for which licensure is sought. (5-3-03)

~~a. Oral Test. As authorized by Section 54-810, Idaho Code, the examiners may direct questions to individual examinees during the course of the practical examination. (7-1-97)~~

~~b. Supplies. Each applicant is required to bring adequate supplies and materials for the practical examination. Detailed information will be provided upon notification of acceptance for examination. (7-1-97)~~

04. Failure to Pass Examination. (7-1-99)

a. The practical examination is failed when an applicant obtains an average score below seventy-five percent (75%). Reexamination shall consist of the entire examination. (7-1-98)

b. Written examination is failed when the applicant obtains a score of below seventy-five percent (75%) on the national theory examination or the Idaho jurisprudence examination. Reexamination shall consist of the written entire examination ~~on the portion or portions failed.~~ (7-1-97)()

~~05. Eligibility for Reexamination. A new application must be filed with the Board. The prescribed fee must accompany said application. (7-1-97)~~

~~a. Additional instruction required to qualify for the practical reexamination shall be as follows: (5-3-03)~~

~~i. An applicant failing on the first practical examination attempt and on all subsequent attempts shall complete a full review of the proper practical procedures for those service applications in the discipline for which licensure is sought as outlined in Section 54-808(6), Idaho Code. The applicant must also sign an affidavit attesting to the completion of the review. The review and affidavit shall constitute proof of required additional instruction prior to reexamination. (3-19-07)~~

~~ii. The Board may, following a review of previous examination scores, require any applicant to obtain additional instruction in a school of cosmetology. (3-19-07)~~

~~b. Additional instruction required to qualify for the written reexamination shall be as follows: (5-3-03)~~

~~i. An applicant failing on the first written examination attempt and on all subsequent attempts in either the theory or Idaho jurisprudence examination shall complete a full review as applicable to the area or areas of failure, of either the proper theoretical procedures for the discipline and those service applications for which licensure is sought as outlined in Section 54-808(6), Idaho Code, or of the Idaho Laws and Rules governing the licensure and practice of those disciplines included in Chapter 8, Title 54, Idaho Code. The applicant must also sign an affidavit attesting to the completion of the review. The review and affidavit shall constitute proof of required additional instruction prior to the first reexamination only. (3-19-07)~~

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ii. ~~The Board may, following a review of previous examination scores, require any applicant to obtain additional instruction in a school of cosmetology.~~ (3-19-07)

~~06. **Termination.** All application records in the bureau of applicants who have not qualified for reexamination within five (5) years of notification of failure in any examination under the Cosmetology Law will be terminated and destroyed.~~ (7-1-97)

~~451. -- 47499. (RESERVED).~~

~~475. **MODELS FOR EXAMINATION (RULE 475).**~~

~~01. **Appropriate Model.** Applicants scheduled for an examination must bring an appropriate model. Models may be human or mannequin, depending upon the specific examination. If a mannequin is required, it must be treated in all respects, the same as a live model.~~ (7-1-97)

~~02. **Models Must Not Be Students.** Models must not be students in any school or apprentice in any establishment, nor licensed under the Cosmetology Law.~~ (7-1-97)

~~03. **Models Must Be Able to Remain Until Conclusion of the Examination.**~~ (7-1-97)

~~04. **Models Cannot Be Candidates.** Models cannot be candidates for the examination who may be examined on another day.~~ (7-1-97)

~~476. — 478. (RESERVED).~~

~~479. **MODELS FOR THE COSMETOLOGY EXAMINATION (RULE 479).**~~

~~01. **Human Models.** Human models are mandatory for the facial portion of the cosmetology examination.~~ (3-8-02)

~~02. **Mandatory Mannequins for Examination.** Except as set forth in Rule 479.01, mannequins and mannequin hands are mandatory for all portions of the cosmetology examination and must be treated in all respects, the same as a live model.~~ (3-8-02)

~~480. — 482. (RESERVED).~~

~~483. **MODELS FOR THE ELECTROLOGY EXAMINATION (RULE 483).**
Hair removal will be demonstrated directly on the Examiners.~~ (7-1-99)

~~484. — 486. (RESERVED).~~

~~487. **MODELS FOR THE ESTHETICS EXAMINATION (RULE 487).**~~

~~01. **Human Models for Skin Care.** Human models will be used for the skin care demonstration.~~ (7-1-97)

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~~02. Human Models. Human models must be people to whom makeup may be applied.~~
(7-1-97)

~~488.—490. (RESERVED).~~

~~491. MODELS FOR THE NAIL TECHNOLOGY EXAMINATION (RULE 491).~~

~~01. Mannequin Hands for Manicure. Mannequin hands are mandatory for all portions of the nail technology examination and must be treated in all respects, the same as a live model.~~
(3-20-04)

~~492.—499. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

550. RULES FOR COSMETOLOGY SCHOOLS APPROVED TO TEACH ELECTROLOGY (RULE 550).

Section 54-808, Idaho Code, provides for the teaching of electrology in cosmetology schools.
(3-20-04)

01. Board Approval. The Board may approve a school to teach electrology who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach electrology.
(7-1-99)

02. Minimum Square Footage. Schools provide a minimum of three hundred (300) square feet of designated floor space per six (6) students.
(7-1-97)

03. Required Equipment. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students.
(7-1-97)

a. Work stations equal to seventy-five percent (75%) of total enrollment. (7-1-97)

b. Two (2) brands of machines (one (1) with three (3) method capability) Galvanic, Thermolysis, and Blend. (7-1-97)

c. Two (2) treatment tables and adjustable technician chairs. (7-1-97)

d. Two (2) swing arm lamps with magnifying lens. (7-1-97)

e. Two (2) magnifying glasses. (7-1-97)

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- f. Tweezers. (7-1-97)
- g. One (1) basin with approved water source. (7-1-97)
- h. Necessary sanitation equipment for implements. (7-1-97)
- i. Closed storage cabinet. (7-1-97)
- 04. Kit.** Each student to be issued a basic kit containing: two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clippies, one (1) sharps container. (7-1-99)
- 05. Electrologist Instructor/Student Ratio.** Schools have at least one (1) licensed electrologist instructor for every six (6) students or portion thereof, being trained therein. (7-1-99)
- 06. Records Required.** Records required of cosmetology schools approved to teach electrology shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)
- 07. Record of Instruction.** A record of all operations completed by each student shall be maintained and include the following: (3-30-01)
 - a. Permanent Removal of Hair (Electrology). (7-1-97)
 - i. Bacteriology, sanitation and sterilization, safety precautions, anatomy, and physiology. (3-30-01)
 - ii. Electricity which shall include the nature of electrical current, principles of operating electrical devices and the various safety precautions used when operating electrical equipment. (3-30-01)
 - iii. Electrolysis which shall include the use and study of galvanic current. (3-30-01)
 - iv. Thermolysis which shall include the use and study of high frequency current automatic and manual. (3-30-01)
 - v. A combination of high frequency and galvanic currents. (3-30-01)
 - vi. The study and cause of hypertrichosis. (3-30-01)
 - b. Students may not render any clinical services to patrons until completing at least eighty (80) five percent (5%) of the required hours of instruction in electrology. ~~(7-1-99)~~()

551. -- 559. (RESERVED).

560. RULES FOR COSMETOLOGY SCHOOLS TEACHING ESTHETICS (RULE 560).

Section 54-808, Idaho Code, provides for the teaching of esthetics in cosmetology schools.

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(3-20-04)

01. Board Approval. The Board may approve a school to teach esthetics who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach esthetics. (7-1-97)

02. Records Required. Records required of schools teaching esthetics shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

a. Students may not render any clinical services to patrons until completing at least ~~sixty (60)~~ five percent (5%) of the required hours of instruction in esthetics. (~~7-1-97~~)()

b. The recorded operations completed by each student shall be maintained and include the following: (3-30-01)

- i. Massage and Manipulation application of lotions, creams, etc. (3-30-01)
- ii. Cosmetics. (3-30-01)
- iii. Machine Application: use of mechanical or electrical equipment. (3-30-01)
- iv. Bacteriology, Sanitation and sterilization, safety precautions, anatomy and physiology. (3-30-01)
- v. Eyebrow arch and hair removal. (3-30-01)

561. -- 569. (RESERVED).

570. RULES FOR COSMETOLOGY SCHOOLS TEACHING NAIL TECHNOLOGY (RULE 570).

Section 54-808, Idaho Code, provides for the teaching of nail technology in cosmetology schools. (3-20-04)

01. Board Approval. The Board may approve a school to teach nail technology who makes application on forms provided by the Board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the Board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach nail technology. (7-1-97)

02. Records Required. (7-1-97)

a. Records required of schools teaching nail technology shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

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b. Students may not render any clinical services to patrons until the student has completed at least ~~forty (40)~~ five percent (5%) of the required hours of instruction. All work done on patrons must be completed by students and supervised by instructors. ~~(7-1-97)~~(____)

03. Record of Training. A record of operations completed by each student shall be maintained of the following: (3-30-01)

- a. Form nails; (3-30-01)
- b. Finished tips; (3-30-01)
- c. Wraps and mends; and (3-30-01)
- d. Basic manicures and pedicures. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

700. COSMETOLOGY -- ELECTROLOGY, ESTHETICS, AND NAIL TECHNOLOGY APPRENTICE INSTRUCTION (RULE 700).

Sections 54-805(6)(c) and 54-807, Idaho Code, provide for the practice of apprentices. (3-30-01)

01. Cosmetology Apprentices. There must be at least one (1) licensed cosmetology instructor and one (1) licensed cosmetologist in any cosmetological establishment at all times for each apprentice who is being trained therein. (7-1-99)

a. One (1) instructor shall train no more than three (3) currently registered apprentices. (3-8-02)

b. Each apprentice must also be supervised by a separate licensed cosmetologist. (3-8-02)

02. Electrology Apprentices. Apprentice instruction must be obtained under the direct personal supervision of an electrologist instructor. An electrologist instructor may train no more than one (1) apprentice at a time. (3-30-01)

03. Esthetics Apprentices. There must be at least one (1) licensed cosmetology instructor or esthetics instructor and one (1) licensed cosmetologist or licensed esthetician in any cosmetological establishment at all times for each apprentice who is being instructed therein. (3-8-02)

04. Nail Technology Apprentices. There must be at least one (1) licensed cosmetology instructor or nail technology instructor and one (1) licensed cosmetologist or nail technician in any cosmetological establishment at all times for each apprentice who is being instructed therein. (3-8-02)

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05. Filing Application. Application for permit as an apprentice must be made on forms furnished by the Board. (3-30-01)

06. Application for Apprentice. The application submitted for an apprentice permit must list the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which an apprentice will serve apprenticeship. (3-30-01)

07. Prior to Beginning Instruction. Prior to beginning of instruction, the instructor for any apprenticeship must submit and have Board approval of a curriculum for the entire apprenticeship instruction. (3-30-01)

08. Application Must Be Accompanied by Proof of Meeting Educational Requirements. Applications must be accompanied by proof of having satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education. If applicant is a high school graduate, a photostatic copy of the high school diploma may be submitted. A letter written on high school stationery, signed by an officer of the high school, may be forwarded with the application. Such letter shall indicate that the applicant has satisfactorily completed the tenth grade and is eligible to commence the eleventh grade. Do not send original high school diploma to the Board. (7-1-97)

09. Submit Proof of Birth. Apprentices must furnish a copy of their birth certificate or other acceptable proof of birth with application. (7-1-97)

10. Apprentice Permit. An apprentice permit must be obtained from the Board before instruction as an apprentice begins. An original apprentice permit shall be dated and valid until such time as said apprentice is no longer enrolled as an apprentice in said establishment. (3-30-01)

11. Records Required. Establishments instructing apprentices must maintain records as set forth: (3-30-01)

a. For cosmetology apprentice in Subsection 500.05. (7-1-99)

b. For electrology apprentice in Subsection 550.06.a.i. (7-1-99)

c. For esthetics apprentice in Subsection 560.02. (7-1-99)

d. For nail technology apprentice in Subsection 570.02. (7-1-99)

e. Apprentices shall not be permitted to render any clinical service to patrons until said apprentice has completed at least five percent (5%) of the required hours of instruction. ()

12. Record of Instruction. Records of the operations completed by each student shall be maintained of the following: (3-8-02)

a. For cosmetology apprentice in Subsection 500.06. (7-1-97)

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- b.** For electrology apprentice in Subsection 550.07. (3-30-01)
- c.** For esthetics apprentice in Subsection 560.02.c. (7-1-99)
- d.** For nail technology apprentice in Subsection 570.03. (7-1-99)

13. Discontinuance of a Course. When an apprentice discontinues a course of study, the salon is to complete a Record of Instruction Form with the credited hours completed by the apprentice. This form is to be submitted to the Board. If an apprentice discontinues a course of instruction and does not transfer to another salon within sixty (60) days, the apprentice permit is automatically canceled and is to be submitted to the Board along with the Record of Instruction. (3-30-01)

14. Before Resuming Instruction. Before resuming instruction, after having discontinued a course, an apprentice must file a new application and pay an additional fee. The apprentice must receive a permit before resuming instruction. (3-30-01)

15. Discontinuance of Establishment Instruction Apprentices. If a licensed establishment where apprentices are being trained discontinues to operate as a salon, records of instruction covering all apprentices obtaining instruction at the time of discontinuance or prior thereto, must be filed in the office of the Board. (3-30-01)

16. Out of State Apprenticeship. Prior to commencing a course of study in an Idaho approved establishment, an apprentice applicant is required to file with the Board a copy of the record of instruction from the out of state apprenticeship. For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or instructor(s) in the state in which the instruction was obtained. (3-30-01)

HOUSE BUSINESS COMMITTEE

IDAPA 24 - IDAHO BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 128 through 131.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Rules of the State Board of Morticians

Docket No. 24-0801-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-1107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To correct examination requirements for funeral director. Combine funeral and crematory establishment requirements to lessen confusion and add provisions for display of caskets and merchandise to include video, catalogs and electronic depiction.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are formatting and clarification and not new requirements.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 15th day of August, 2007.

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Rules of the State Board of Morticians

Docket No. 24-0801-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

325. APPROVED EXAMINATION (RULE 325).

Applicants for licensure shall successfully pass the examinations set forth below. (3-16-04)

01. Mortician Examination. The Mortician examination shall consist of: (3-16-04)

a. All sections of the International Conference of Funeral Service Examining Board's National Board Examination; and (3-16-04)

b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and (3-16-04)

c. The examination of the rules of the Department of Health and Welfare relating to infectious diseases and quarantine. (3-16-04)

02. Funeral Director. The funeral director examination shall consist of: (3-16-04)

a. The Arts section of the State Based Examination conducted by the International Conference of Funeral Service Examination Board's ~~National Board Examination~~; and (3-16-04)()

b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and (3-16-04)

c. The examination of the rules of the Idaho Department of Health and Welfare relating to infectious diseases and quarantine. (3-16-04)

03. Grading. The required average grade to pass the examination is seventy-five percent (75%). Provided further, that where the applicant has a score of less than seventy percent (70%) in one (1) or more subjects, such applicant shall not be passed, notwithstanding that his average mark may be higher than seventy-five percent (75%), however, should the applicant apply for reexamination he may, by board approval, be required to retake only that portion of the examination which he failed in previous examination. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

450. FUNERAL ESTABLISHMENT AND CREMATORY ESTABLISHMENT (RULE 450).

All applicants for establishment license shall submit a completed application on a form approved by the Board. All newly licensed establishments and all branch or satellite facilities must meet the same requirements for licensure. ()

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Rules of the State Board of Morticians

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PENDING RULE

01. ~~Branch or Satellite Facility.~~ ~~A newly licensed establishment operated as a branch or satellite facility must meet the same requirement for licensure as if it were operated independently. It will be required to provide an operating room and necessary equipment for embalming, a display room for caskets, a chapel where funeral or other religious ceremonies may be held and a room for viewing and visitation.~~ **Contents of Application.** Each applicant for a license to operate a funeral establishment or crematory establishment in Idaho shall document the following: (7-1-93)()

- a.** Name and address of owner whether individual or entity; and ()
- b.** Notarized signature of applicant or authorized agent; and ()
- c.** Name and license number of responsible licensee; and ()
- d.** Other such information as the board may require. ()

02. Change in Ownership or Location. Any change in the ownership or location of a funeral establishment shall constitute a new funeral establishment for the purposes of licensure. (7-1-93)

03. Funeral Establishment. All funeral establishments shall be required to provide each of the following: ()

- a.** An operating room and necessary equipment for embalming; ()
- b.** A selection room for caskets and merchandise which may include video, catalogs, and electronic depiction of caskets and merchandise; ()
- c.** A chapel where funeral or other religious ceremonies may be held; and ()
- d.** A room for viewing and visitation. ()

034. Funeral Firm. Every funeral firm in the state of Idaho and/or licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for the disposition of the dead human body at the time of said arrangements and prior to rendering that service or providing that merchandise, a written statement showing to the extent then known the following: (7-1-93)

- a.** The price of the service that the person or persons have selected and what is included therein. (7-1-93)
- b.** The prices of each of the supplementary items of service and/or merchandise requested. (7-1-93)
- c.** The amount involved for each of the items for which the firm will advance monies as an accommodation for the family. (7-1-93)

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- d. The method of payment. (7-1-93)
- e. If the quoted price includes a basic component of a funeral or a part thereof which is not desired, then a credit thereof should be granted. (7-1-93)

05. Crematory Establishment. All crematory establishments shall be required to provide each of the following: ()

a. Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code; and ()

b. One (1) set of blueprints for the proposed new construction or remodeling where the retort is to be located. The blueprints must be approved by the local building department as being in compliance with applicable building codes and ordinances. ()

451. APPLICATION FOR LICENSE TO OPERATE A CREMATORY (RULE 451) (RESERVED).

~~**01. Contents of Application.** Each applicant for a license to operate a crematory in Idaho shall supply to the Idaho Board of Morticians the following information: (3-16-04)~~

~~**a.** Name and address of corporation or firm; and (3-16-04)~~

~~**b.** Number of retorts; and (3-16-04)~~

~~**c.** Signature of applicant; and (3-16-04)~~

~~**d.** Date of signature. (3-16-04)~~

~~**02. Forms Issued by the Board.** The required "Application for License to Operate a Crematory" will be issued in blank and be made available to applicants by the Board. (3-16-04)~~

~~**03. Equipment Listing, Drawing Approval and Air Quality Standards.** As a part of the initial application for licensure, the applicant must submit the following to the Board: (3-16-04)~~

~~**a.** Detailed information regarding the retort specifically documenting that the retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code; (3-16-04)~~

~~**b.** One (1) set of blueprints for the proposed new construction or remodeling where the retort is to be located. The blueprints must be approved by the local building department as being in compliance with applicable building codes and ordinances; and (3-16-04)~~

~~**c.** A copy of the permit issued by the Department of Environmental Quality indicating compliance with air quality standards. (3-16-04)~~

HOUSE BUSINESS COMMITTEE

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-4106, Idaho Code, and Title XI, federal code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 159 through 167.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233
(208) 334-3945 fax

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Rules of the Real Estate Appraiser Board

Docket No. 24-1801-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 29, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-4106, Idaho Code, and Title XI, federal code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Changes will allow applicants currently working on the qualifications for licensure time to come into compliance with the new federal standards. Remove a section that is duplicated and clarify continuing education in compliance with federal requirements.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Federal requirements under Title XI will change effective January 1, 2008. This change will allow those currently working toward licensure time to come into compliance with the new standards.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes are required to meet federal standards under Title XI.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed

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rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 29th day August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS (RULE 10).

The definitions numbered one through twelve (1-12), appearing at Section 54-4104, Idaho Code are incorporated herein by reference as if set forth in full. (7-1-93)

01. Advisory Committee. A committee of state certified or licensed real estate appraisers appointed by the board to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education and examination requirements that are appropriate for each classification of state certified or licensed real estate appraiser. (7-1-93)

02. Appraisal Foundation. The Appraisal Foundation means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois. (7-1-97)

03. Appraiser Qualifications Board. Appraiser Qualifications Board of the Appraisal Foundation establishes the qualifications criteria for licensing, certification and recertification of appraisers. (7-1-97)

04. Appraisal Standards Board. The Appraisal Standards Board of the Appraisal Foundation develops, publishes, interprets and amends the Uniform Standards of Professional Appraisal Practice (USPAP) on behalf of appraisers and users of appraisal services. (7-1-97)

05. Bureau. The Bureau means the Bureau of Occupational Licenses, as prescribed in Sections 54-4106(2)(a) and 67-2601, Idaho Code. (3-13-02)

06. Chief. The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-93)

07. Classroom Hour. Fifty (50) minutes out of each sixty (60) minute hour. (7-1-93)

08. Field Real Estate Appraisal Experience. Personal inspections of real property, assembly and analysis of relevant facts, and by the use of reason and the exercise of judgement, formation of objective opinions as to the market or other value of such properties or interests therein and preparation of written appraisal reports or other memoranda showing data, reasoning,

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and conclusion. Professional responsibility for the valuation function is essential. (4-6-05)

09. FIRREA. Title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989 was designed to ensure that more reliable appraisals are rendered in connection with federally related transactions. (7-1-93)

10. Nationally Recognized Appraisal Organization. An appraisal organization which is a ~~member~~ sponsor of The Appraisal Foundation. (~~7-1-93~~)()

11. Real Estate. In addition to the previous definition in Section 54-4104(7), Idaho Code will also mean an identified parcel or tract of land, including improvements, if any. (7-1-93)

12. Real Property. In addition to the previous definition in Section 54-4104(8), Idaho Code will also mean one or more defined interests, benefits, or rights inherent in the ownership of real estate. (7-1-93)

13. Residential Unit. Real estate with a current highest and best use of a residential nature. (7-1-93)

14. Specialized Appraisal Services. Services which include situations in which an appraiser is employed or retained to provide appraisal services that do not fall within the defined term "appraisal assignments." Specialized appraisal services relate to the employer's or client's individual needs or investment objectives and commonly include specialized marketing and financing studies as well as analysis, opinions, and conclusions rendered in connection with activities such as real estate brokerage, mortgage banking, and real estate counseling, including real estate tax counseling. (7-1-97)

15. Uniform Standards of Professional Appraisal Practice or USPAP. Those uniform standards adopted by the Appraisal Foundation's Appraisal Standards Board. These standards may be altered, amended, interpreted, supplemented, or repealed by the Appraisal Standards Board (ASB) from time to time. (3-13-02)

16. USPAP Course. For the purposes of licensure and license renewal, any reference to the approved USPAP course shall mean the National USPAP Course provided by Appraisal Qualifications Board Certified USPAP Instructors and Educational Providers. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

250. REQUIREMENTS FOR LICENSURE (RULE 250).

All applicants for licensure in any real estate appraiser classification must comply with the following education, experience and examination requirements in addition to meeting those requirements set forth in Sections 275, 300, 350, and 400 below. (4-11-06)

01. Education. If an individual has completed the education requirements on or before December 31, 2007, the individual must submit a complete application to the board before

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Rules of the Real Estate Appraiser Board

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January 1, 2011. If an individual has not completed their educational requirement on or before December 31, 2007, or submits an application on January 1, 2011 or later, the individual must complete the educational requirements which became effective January 1, 2008 and any subsequent requirements adopted prior to the individual's application date. ~~Effective July 1, 2006,~~ ~~#~~Hours will be credited only for courses with content that follows the Required Core Curriculum as outlined by the Appraisal Qualification Board. (4-11-06)()

a. Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least fifteen (15) hours, and the individual successfully completes a closed-book examination pertinent to the educational offering. (4-11-06)

b. Credit for the classroom hour requirement may be obtained from the following: (7-1-97)

i. Colleges or Universities. (7-1-97)

ii. Community or Junior Colleges. (7-1-97)

iii. Courses approved by ~~the~~ Appraisal Qualifications Board. (8-20-04)()

iv. State or Federal Agencies or Commissions. (7-1-97)

v. Other providers approved by the Board. (7-1-97)

c. Only those courses completed preceding the date of application will be accepted for meeting educational requirements. (3-18-99)

d. Course credits that are obtained from the course provider by challenge examination without attending the course will not be accepted. (4-11-06)

e. Various appraisal courses may be credited toward the classroom hour education requirement. Applicants must demonstrate that their education involved coverage of those topics listed in Subsection 250.01.e. that are required for the license classification for which application is being made. Licensed Residential and Certified Residential must include emphasis in one (1) to four (4) unit residential properties; Certified General must include emphasis in nonresidential properties. (4-11-06)

i. Basic appraisal principles. (4-11-06)

ii. Basic appraisal procedures. (4-11-06)

iii. The fifteen (15) hour national USPAP course. (4-11-06)

iv. Market analysis and highest and best use. (4-11-06)

v. Appraiser site valuation and cost approach. (4-11-06)

vi. Sales comparison approach. (4-11-06)

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- vii. Sales income approach. (4-11-06)
- viii. Report writing and case studies. (4-11-06)
- ix. Statistics, modeling and finance. (4-11-06)
- x. Advanced applications and case studies. (4-11-06)
- xi. Appraisal subject matter electives. (4-11-06)
- f.** Advanced courses will be those courses for which an introductory or basic course is required as a prerequisite. Typically classes titled "Introductory," "Basic," or "Principles" will not be accepted for advanced requirements. (4-11-06)
- 02. Experience.** (7-1-97)
 - a.** The work product claimed for experience credit must be in conformity with the USPAP or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared. (3-13-02)
 - b.** All appraisal experience must be obtained as a registered trainee or as a licensed appraiser. (4-11-06)
 - c.** Only experience gained during the five (5) years immediately preceding application will be considered for evaluation. (4-11-06)
 - d.** Acceptable non field appraisal experience includes, but is not limited to the following: Fee and Staff appraisal analysis, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, review appraisal, real estate counseling, highest and best use analysis, and feasibility analysis/study. (4-11-06)
 - e.** Each applicant applying for licensure must verify completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form provided by the Board. (4-11-06)
 - i. The Board requires submission of a log that details hours claimed for experience credit. The log must include the type of property, address of the property, report date, description of work performed, and number of work hours. (4-11-06)
 - ii. The Board reserves the right to contact an employer for confirmation of length and extent of experience claimed. This may require an employer to submit appraisal reports and/or an affidavit. (7-1-97)
 - iii. The Board may request submission of written reports or file memoranda that substantiate an applicant's claim for experience credit. (4-11-06)
 - f.** Ad valorem tax appraisers must demonstrate the use of techniques to value

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properties similar to those used by appraisers and effectively use the process as defined in Subsection 010.10, Field Real Estate Appraisal Experience in order to receive experience credit.
(4-11-06)

03. Examination. Successful completion of an examination appropriate to the license classification being applied for and approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board.
(4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

276. -- 2982. (RESERVED).

~~**299. REQUIREMENTS FOR LICENSURE/CERTIFICATION (RULE 299).**~~

~~All applicants for licensure/certification in any real estate appraiser classification must meet the following requirements in addition to those requirements set forth in Sections 300, 350, and 400 below. All applicants for trainee registration must meet the following requirements regarding education set forth in Section 299 in addition to those requirements set forth in Section 430.~~
(3-3-02)

~~**01. Examination.** Successful completion of an examination approved by the Board pursuant to the guidelines of the Appraisal Foundation.~~
(7-1-97)

~~**02. Education.**~~
(7-1-97)

~~**a.** Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least fifteen (15) hours, and the individual successfully completes an examination pertinent to the educational offering.~~
(7-1-97)

~~**b.** Credit for the classroom hour requirement may be obtained from the following:~~
(7-1-97)

~~i. Colleges or Universities.~~
(7-1-97)

~~ii. Community or Junior Colleges.~~
(7-1-97)

~~iii. Courses approved by the Appraisal Qualifications Board.~~
(3-30-07)

~~iv. State or Federal Agencies or Commissions.~~
(7-1-97)

~~v. Other providers approved by the Board.~~
(7-1-97)

~~**c.** Only those courses completed preceding the date of application will be accepted for meeting educational requirements.~~
(3-18-99)

~~**d.** Course credits which are obtained from the course provider by challenge~~

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~~examination without attending the course will not be accepted.~~ (3-18-99)

~~e. Various appraisal courses may be credited toward the classroom hour education requirement. Applicants must demonstrate that their education involved coverage of all topics listed below. Licensed Residential and Certified Residential must include emphasis in one (1) to four (4) unit residential properties; Certified General must include emphasis in nonresidential properties.~~ (7-1-97)

~~i. Influences on Real Estate Value.~~ (7-1-97)

~~ii. Legal Considerations in Appraisal.~~ (7-1-97)

~~iii. Types of Value.~~ (7-1-97)

~~iv. Economic Principles.~~ (7-1-97)

~~v. Real Estate Markets and Analysis.~~ (7-1-97)

~~vi. Valuation Process.~~ (7-1-97)

~~vii. Property Description.~~ (7-1-97)

~~viii. Highest and Best Use Analysis.~~ (7-1-97)

~~ix. Appraisal Statistical Concepts.~~ (7-1-97)

~~x. Sales Comparison Approach.~~ (7-1-97)

~~xi. Site Value.~~ (7-1-97)

~~xii. Cost Approach.~~ (7-1-97)

~~xiii. Income Approach.~~ (7-1-97)

~~xiv. Valuation of Partial Interests.~~ (7-1-97)

~~xv. Appraisal Standards and Ethics.~~ (7-1-97)

~~f. Advanced courses will be those courses for which an introductory or basic course is required. Typically classes titled "Introductory," "Basic," or "Principles" will not be accepted for advanced requirements.~~ (7-1-97)

~~03. Experience.~~ (7-1-97)

~~a. The work product claimed for experience credit must be in conformity with the USPAP or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared.~~ (3-13-02)

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Rules of the Real Estate Appraiser Board

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~~b. On or after July 1, 2003, appraisal experience must be obtained as a registered trainee or as a licensed or certified appraiser. A year of experience is equal to a minimum of one thousand (1,000) hours worked during a consecutive twelve (12) month period. Regardless of the number of experience hours submitted or obtained during any twelve (12) month period, no more than one thousand (1,000) of those hours may be credited to meet this requirement. Hours obtained in excess of one thousand (1,000) hours during any consecutive twelve (12) month period may not be credited or carried over into the next twelve (12) month period. (3-13-02)~~

~~c. Only experience gained during the five (5) years preceding application will be considered for evaluation. (7-1-97)~~

~~d. Acceptable non field appraisal experience includes, but is not limited to the following: Fee and Staff appraisal analysis, tax appraisal, appraisal analysis, review appraisal, real estate counseling, highest and best use analysis, and feasibility analysis/study. (3-18-99)~~

~~e. An appraiser applying for certification/licensure must verify his completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form provided by the Board. (7-1-97)~~

~~i. To demonstrate experience the Board requires submission of a log which details hours claimed for experience credit. (7-1-97)~~

~~ii. The Board reserves the right to contact an employer for confirmation of length and extent of experience claimed. This may require an employer to submit appraisal reports and/or an affidavit. (7-1-97)~~

~~iii. The Board may request submission of written reports or file memoranda which substantiate an applicant's claim for experience credit. (7-1-97)~~

~~f. Ad valorem tax appraisers who demonstrate that they use techniques to value properties similar to those used by appraisers and effectively use the process as defined in Subsection 010.10, Field Real Estate Appraisal Experience will receive experience credit. (7-1-97)~~

(BREAK IN CONTINUITY OF SECTIONS)

350. CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 350).

The State Certified Residential Real Estate Appraiser classification applies to the appraisal of residential properties of four (4) or less units without regard to transaction value or complexity. Applicants must meet the following education, experience and examination requirements in addition to complying with Section 250. Subsequent to being certified every licensee must annually meet the continuing education requirement. (4-11-06)

01. Education. Prior to January 1, 2008, as a prerequisite to taking the examination

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for licensure as an Idaho Certified Residential Real Estate Appraiser, each applicant shall present evidence satisfactory to the board of having successfully completed not less than one hundred twenty (120) classroom hours of courses in subjects related specifically to real estate appraisal that have been approved by the board. Each applicant must have successfully completed not less than ninety (90) classroom hours of study related to those topics outlined under Subsection 250.01.e., the basic principles of real estate appraising and thirty (30) classroom hours of advanced residential or non-residential specialized courses relating to the topics specified at Subsection 250.01.e. Not less than fifteen (15) and no more than twenty (20) classroom hours of studies within the last five (5) years specifically relating to the USPAP, and Code of Ethics; will be credited to the classroom hour requirement. Beginning on January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Certified Residential Real Estate Appraiser, each applicant shall: (3-30-07)

a. Hold an Associate Degree or higher from an accredited college or university or document successful completion of no less than twenty-one (21) college semester credit hours in English Composition, Principles of Economics (micro or macro), Finance, Algebra, Geometry or higher mathematics, Statistics, ~~Introduction to~~ Computers Science, and Business or Real Estate Law; and (4-11-06)()

b. Document registration as an Appraiser Trainee and completion of the education required for licensure as a Licensed Residential Real Estate Appraiser or hold a current license as a Licensed Residential Real Estate Appraiser; and (4-11-06)

c. Document the successful completion of not less than fifty (50) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)

i. Statistics, Modeling and Finance - not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (4-11-06)

ii. Advanced Residential Applications and Case Studies - not less than fifteen (15) hours specifically including Complex Property, Ownership and Market Conditions; Deriving and Supporting Adjustments; Residential Market Analysis; and Advanced Case Studies; and (4-11-06)
3

iii. Appraisal Subject Matter Electives - not less than twenty (20) hours and may include hours over the minimum shown in Subsection 350.01.c. (4-11-06)

02. Experience. Experience is a prerequisite to sit for the licensure examination: (4-11-06)

a. Document two thousand five hundred (2,500) hours of appraisal experience in no less than twenty-four (24) months (see Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (4-11-06)

b. Two thousand (2,000) hours of the experience shall be from residential field appraisal experience. The balance of five hundred (500) hours may include non field experience, refer to Subsection 250.02.d. (4-11-06)

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351. -- 399. (RESERVED).

400. CERTIFIED GENERAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 400).

The State Certified General Real Estate Appraiser classification applies to the appraisal of all types of real property. Applicants must meet the following examination, education, and experience requirements in addition to complying with Section ~~299~~50. Subsequent to being certified, an individual must meet the continuing education requirement. ~~(7-1-97)~~(____)

01. Education. Prior to January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho State Certified General Real Estate Appraiser, each applicant shall present evidence satisfactory to the board of having successfully completed not less than one hundred eighty (180) classroom hours of courses in subjects related specifically to real estate appraisal approved by the board. Each applicant must have successfully completed not less than one hundred sixty (160) classroom hours of study related to those topics outlined under Subsection 250.01.e. Not less than fifteen (15) and no more than twenty (20) classroom hours of studies within the last five (5) years specifically relating to the USPAP, and Code of Ethics; and one hundred (100) classroom hours of advanced non residential specialized courses relating to the topics specified at Subsection 250.01.e. Beginning on January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Certified General Real Estate Appraiser, each applicant shall: (3-30-07)

a. Hold a Bachelors Degree or higher from an accredited college or university or document successful completion of no less than thirty (30) college semester credit hours in English Composition, Micro Economics, Macro Economics, Finance, Algebra, Geometry or higher mathematics, Statistics, ~~Introduction to~~ Computers Science, and Business or Real Estate Law, and two (2) elective courses in accounting, geography, ageconomics, business management, or real estate; and ~~(4-11-06)~~(____)

b. Document registration as an Appraiser Trainee or licensure as a Licensed Residential Real Estate Appraiser or licensure as a Certified Residential Real Estate Appraiser; and (4-11-06)

c. Document the successful completion of not less than two hundred ten (210) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)

i. Statistics, Modeling and Finance - not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (4-11-06)

ii. General Appraiser Market Analysis and Highest and Best Use - not less than thirty (30) hours; and (4-11-06)

iii. General Appraiser Sales Comparison Approach - not less than thirty (30) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and (4-11-06)

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iv. General Appraiser Site Valuation and Cost Approach - not less than thirty (30) hours; and (4-11-06)

v. General Appraiser Income Approach - not less than sixty (60) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and (4-11-06)

vi. General; Appraiser Report Writing and Case Studies - not less than thirty (30) hours specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies. (4-11-06)

02. Experience. Experience is a prerequisite to sit for the licensure examination: (4-11-06)

a. Document three thousand (3,000) hours of appraisal experience in no less than thirty (30) months (See Subsection 250.02.). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (4-11-06)

b. One thousand five hundred (1,500) hours of the experience must be nonresidential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of nonfield experience as outlined in Subsection 250.02.d. (4-11-06)

401. CONTINUING EDUCATION (RULE 401).

All certified/licensed appraisers must comply with the following continuing education requirements: (7-1-97)

01. Purpose of Continuing Education. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising. (7-1-97)

02. Hours Required. The equivalent of fifteen (15) classroom hours of instruction in courses or seminars during each year prior to renewal is required. (3-20-04)

a. A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (7-1-93)

b. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. (7-1-97)

c. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the Appraisal Qualification Board and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years. (4-6-05)

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d. Once every two (2) years an Idaho State Certified/Licensed Real Estate Appraiser will be required to attend an approved seven (7) hour USPAP update course or the equivalent. (3-30-07)

03. Credit for Appraisal Educational Processes and Programs. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education. Credit for educational processes and programs continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period. (~~7-1-97~~)()

04. Credit for Attending the Licensure Board Meetings. Continuing education credit may be granted ~~once each year~~ for a maximum of two (2) hours each renewal period for time spent attending one (1) Board meetings of no less than two (2) hours. Members of the board shall not be entitled to continuing education credit for board service. (~~3-30-07~~)()

05. Requirement When a Certificate/License Is Cancelled. For each year (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be documented, including a seven (7) hour USPAP update course, prior to reinstatement. (3-30-07)

HOUSE BUSINESS COMMITTEE

IDAPA 24 - IDAHO BUREAU OF OCCUPATIONAL LICENSES

24.22.01 - RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5310, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 168 and 169.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233
(208) 334-3945 fax

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Liquefied Petroleum Gas Safety Board

Docket No. 24-2201-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-5310, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Add dated edition for NFPA 58 incorporated by reference, add requirement for certification of general liability insurance as application requirement and create a section for general liability insurance requirements per statute passed during the 2007 session, and clarify the inspection rules.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the insurance requirement is necessary to comply with statute change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 20th day of August, 2007.

HOUSE BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES
Liquefied Petroleum Gas Safety Board

Docket No. 24-2201-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled National Fire Protection Association Code 58, 2004 Edition, commonly known as NFPA 58, is herein incorporated by reference and is available ~~from~~ at the Board's office ~~and on the Board web site.~~ (3-30-06)(____)

(BREAK IN CONTINUITY OF SECTIONS)

350. FACILITY LICENSURE (RULE 350).

01. Facility Licensure and Operation Requirements. (3-30-06)

a. Application for a facility license shall be made on forms available from the Bureau and shall include a certificate of general liability insurance set forth in these rules and plans and specifications complying with local ordinances and zoning requirements. All applications shall be submitted to the Board for approval and a license must be issued before a new facility may open for business; (3-30-06)(____)

b. Each facility application shall clearly identify and designate a location adequate to allow the facilities safe operation and the selling, filling, refilling, or commercial handling or commercial storage of liquefied petroleum gas; (3-30-06)

c. Each facility shall meet all requirements of NFPA 58. (3-30-06)

02. Facility Changes in Ownership or Location. (3-30-06)

a. Whenever a change of ownership or location of a facility occurs, an original application must be submitted, the fee must be paid and compliance with all rules concerning a new facility documented, before a new license will be issued. FACILITY LICENSES ARE NOT TRANSFERABLE. (3-30-06)

b. Deletion of an owner from multiple ownership does not constitute a change in ownership. (3-30-06)

c. Addition of an owner to multiple ownership does constitute a change in ownership. (3-30-06)

d. Whenever any facility ceases operation at the licensed location, the owner(s) shall notify the Board in writing that the facility is out of business and the facility license shall be submitted to the Bureau. A new facility license will not be issued for any location that is currently licensed as a facility at the time of application. (3-30-06)

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BUREAU OF OCCUPATIONAL LICENSES
Liquefied Petroleum Gas Safety Board

Docket No. 24-2201-0701
PENDING RULE

351. -- 3754. (RESERVED).

355. GENERAL LIABILITY INSURANCE REQUIREMENT (RULE 355).

As set forth in 54-5308(1)(j), Idaho Code, no facility license will be issued without a certificate showing proof of a current general liability insurance policy in the sum of not less than one million dollars (\$1,000,000) for an occurrence. ()

01. Original Facility License Application. An application for facility license will not be considered complete without a certificate of general liability insurance showing a current policy. The policy must be kept in full force and effect. ()

02. Renewal of Facility License. All licenses being renewed must certify that the facility holds a current general liability insurance policy. ()

03. Audit of Liability Insurance. The Board may conduct random audits of facility licenses and request documentation of a current general liability insurance policy. ()

356. -- 374. (RESERVED).

375. INSPECTION RULES (RULE 375).

All facilities shall be subject to inspection by the Board or its agents at any time without notice to insure the safe operation of each facility and to insure continued compliance with the requirements of NFPA 58 and the Idaho laws and rules. The Board may adopt a form which establishes for the facility those material rules of NFPA 58 which will be inspected, and a level of compliance necessary for issuance or retention of a license or disciplinary action. The Board may further determine the time frame a facility may be granted in order to comply with NFPA 58, but still continue to operate, or pursue disciplinary action for a failure to comply. (3-30-06)()

HOUSE BUSINESS COMMITTEE

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2007 and Section 54-2027(6), Idaho Code, as amended by Senate Bill 1109.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 82 through 84.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeane Jackson-Heim, (208) 334-3285 ext 118, or Kimberly Coster (208) 334-3285 ext 115

Dated this 20th day of August, 2007.

Jeanne Jackson-Heim
Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

HOUSE BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0702
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **July 1, 2007**.

AUTHORITY: In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2007, Section 54-2027(6), Idaho Code, as amended by S 1109.

PUBLIC HEARING: Public hearing concerning this rulemaking will be as follows:

Thursday, July 26, 2007
10:00 a.m.
The Idaho Real Estate Commission
633 North Fourth Street
Boise, Idaho 83702

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule:

Effective July 1, 2007, (and as a result of Senate Bill 1109), the license law will prohibit real estate education providers from offering, for licensing credit, any course that is being taught below the “minimum teaching standards established by the Commission.” This rule establishes those minimum standards.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change is necessary to comply with deadlines in amendments to governing law, specifically, Senate Bill 1109, which inferentially requires that the Commission establish minimum teaching standards. The law becomes effective July 1, 2007.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

HOUSE BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0702
PENDING RULE

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Jeanne Jackson-Heim, (208) 334-3285.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 29th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

403. -- ~~999~~ 499.(RESERVED).

RULES 500 THROUGH 599 – EDUCATION TEACHING STANDARDS

500. MINIMUM TEACHING STANDARDS OF THE COMMISSION.

All courses offered for credit by a certified provider shall be taught in accordance with the following standards of the Real Estate Commission: ()

01. Certification Requirement. A course required to be taught by a Commission-certified or Commission-approved instructor shall be taught only by an instructor that is currently approved or certified for that course; ()

02. Outlines and Curriculum. A course must be taught in accordance with the course outline or curriculum approved by the Commission; ()

03. Attendance Requirement. The course instructor shall adhere to the Commission's written attendance policy and shall submit credit hours only for students who have successfully met the attendance requirements for which the course was approved. ()

04. Product Promotion and Recruitment. The course instructor shall adhere to the Commission's written policies restricting product promotion and recruitment activities in the classroom; ()

05. Professional Mannerism. The course instructor shall conduct himself or herself in a professional manner when performing instructional duties, and shall not engage in any form of harassment based on the gender, national origin, race, religion, age or physical or mental disability of any student, and shall not engage in conduct that degrades or disparages any student or other instructor. ()

HOUSE BUSINESS COMMITTEE

REAL ESTATE COMMISSION Rules of the Idaho Real Estate Commission

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PENDING RULE

06. Subject Matter Knowledge. The instructor shall conduct the class in a manner that demonstrates knowledge of the subject matter being taught; ()

07. Competent Teaching Skills. The instructor shall conduct the class in a manner that demonstrates competency in the following basic teaching skills: ()

a. The ability to effectively communicate through speech; ()

b. The ability to present instruction in an accurate, logical, orderly and understandable manner and to respond appropriately to questions from students; ()

c. The ability to utilize varied instructional techniques in addition to lecture, such as class discussion, role playing or other techniques in a manner that enhances learning; ()

d. The ability to utilize instructional aids and modern technology in a manner that enhances learning; ()

e. The ability to maintain an appropriate learning environment and effective control of a class; ()

f. The ability to interact with adult students in a manner that encourages students to learn, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, including fellow peer instructors, any agency or any organization. ()

08. Prohibited Conduct. The course instructor shall not display any images or use language, including jokes and stories, that are vulgar, that contain racial, sexual, or religious slurs, or that otherwise is intended to disparage or degrade any student or peer instructor. Excessive reference to personal history, or the sharing of information of an intimate or highly personal nature concerning the instructor or any other person, is not permitted. ()

09. Maintaining Exam Security. The instructor shall take reasonable steps to protect the security of course examinations and shall not allow students to retain copies of final course examinations or the exam answer key. ()

10. Use of Exam Questions Prohibited. The instructor shall not obtain or use, or attempt to obtain or use, in any manner or form, Idaho real estate licensing examination questions. ()

11. Instructor Evaluations. The instructor must maintain, for the course, an annual average of four point zero (4.0) (based on one to five (1-5) scale) on the standard Commission evaluations for the instructor's overall average category. ()

501. -- 999. (RESERVED).

HOUSE BUSINESS COMMITTEE

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0703

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2007 and 54-2013, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 242 and 243.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact on the state general fund, since all licensing fee revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285 ext 118, or Kimberly Coster, (208) 334-3285 ext 115.

Dated this 13th day of November, 2007.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

HOUSE BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0703
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2007, Section 54-2013, Idaho Code.

PUBLIC HEARING: A public hearing concerning this rulemaking will be held as follows:

Wednesday, October 24, 2007 -- 10:00 a.m.
The Idaho Real Estate Commission
633 North Fourth Street
Boise, Idaho 83702

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing to the agency address below.

DESCRIPTIVE SUMMARY: DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

Amend Rule 121.01 to provide that the Notice, advising a licensee of his non-compliance with the errors and omissions insurance requirement, be sent first class mail and eliminate the requirement that it be sent "certified" mail.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fees or charges are being imposed or increased through this rulemaking.

FISCAL IMPACT The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

No negative fiscal impact to the general fund will result from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Jeanne Jackson-Heim, (208) 334-3285.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 20th day of September, 2007.

HOUSE BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0703
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

121. FAILURE TO MAINTAIN INSURANCE.

Failure of a licensee to obtain and maintain insurance coverage required by Subsection 117.02 shall result in inactivation of any active license issued pursuant to Idaho Real Estate License Law or denial of any application for issuance or renewal of an active license. Failure to maintain insurance as required herein shall be deemed insufficient application for licensure under Section 67-5254, Idaho Code. (4-2-03)

01. Notice of Noncompliance. Within five (5) working days of the date the Commission is notified that a licensee does not have required coverage, the Commission shall notify the affected licensee of noncompliance. Notice shall be sent by ~~certified~~ first class mail to the licensee's business or residence address, as reflected in the Commission's records, and a copy of the notice shall be sent to the licensee's broker, if any. The notice shall provide that the licensee has ten (10) days in which to comply with the law and these rules regarding errors and omissions insurance. Failure to comply at the end of ten (10) days shall result in the license being automatically inactivated. (~~3-15-02~~)()

02. Reactivation. Any licensee whose license has been inactivated for failure to comply with these rules shall be entitled to activate said license, relating back to and including the date of inactivation, provided that, within thirty (30) days of the date of inactivation, the licensee or Group Plan Administrator files with the Commission a certificate of coverage showing that such coverage has been and is currently in effect on and from the date of inactivation, with no lapse in coverage. Further, the licensee must submit required documents and fees to activate said license. In the event the certificate of coverage shows an effective date later than the date of inactivation, said license shall be activated as of the effective date of said insurance, as reflected in the certificate of coverage, and upon submission of any required documents and fees. (3-15-02)

03. Failure to Maintain Insurance. Failure of a licensee to maintain errors and omissions insurance or failure of a licensee to submit or cause to be submitted a certificate of coverage as required by Section 54-2013, Idaho Code, and in accordance with these rules and while engaging in the business of real estate broker or real estate salesperson, as defined in Sections 54-2002 and 54-2004, Idaho Code, shall constitute a violation of these rules, and shall be grounds for disciplinary action as provided in Sections 54-2059 and 54-2060, Idaho Code, including but not limited to the assessment of civil fines. (3-15-02)